

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DUKE BOLTER,

Plaintiff,

v.

WARDEN FRANCISCO JACQUES, et al.,

Defendants.

No. C 09-04587 CW (PR)

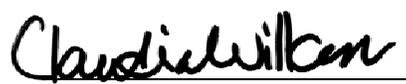
ORDER DIRECTING CLERK OF COURT
TO TERMINATE ACTION

Pursuant to the notice of voluntary dismissal of this action filed by Plaintiff on April 4, 2011, this action is terminated. See Fed. R. Civ. P. 41(a)(1)(A)(i) ("[A]n action may be dismissed by the plaintiff without order of the court . . . by filing a notice of dismissal."); Hamilton v. Shearson-Lehman Am. Exp. Inc., 813 F.2d 1532, 1534-1536 (9th Cir. 1987) (Rule 41(a)(1)(A)(i) does not require leave of court to dismiss the action). The dismissal is without prejudice. See Fed. R. Civ. P. 41(a)(1)(B) (unless plaintiff's notice of dismissal states otherwise, it is deemed to be "without prejudice"); Humphreys v. United States, 272 F.2d 411, 412 (9th Cir. 1959).

The Clerk of the Court shall close the file. All pending motions are terminated.

IT IS SO ORDERED.

Dated: 4/12/2011



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 DUKE BOLTER,

5 Plaintiff,

6 v.

7 FRANCISCO JACQUES et al,

8 Defendant.

Case Number: CV09-04587 CW

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on April 12, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
13 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
14 receptacle located in the Clerk's office.

15 Duke Bolter E-13662
16 Pelican Bay State Prison
17 P.O. Box 7500
18 D-2 #108
19 Crescent City, CA 95532

20 Dated: April 12, 2011

21 Richard W. Wiekling, Clerk
22 By: Nikki Riley, Deputy Clerk
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