

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

3
4 MANUEL E. SHOTWELL,

5 Plaintiff,

6 v.

7 S. BRANDT, et al.,

8 Defendants.
9

Case No.: C 10-5232 CW (PR)

ORDER OF DISMISSAL AND
TERMINATING ALL PENDING MOTIONS

10
11 Pursuant to the notice of voluntary dismissal of this action
12 filed by Plaintiff on January 23, 2013, this action is DISMISSED.
13 See Fed. R. Civ. P. 41(a)(1)(A)(i) ("[A]n action may be dismissed
14 by the plaintiff without order of the court . . . by filing a
15 notice of dismissal."); Hamilton v. Shearson-Lehman Am. Exp.
16 Inc., 813 F.2d 1532, 1534-1536 (9th Cir. 1987) (Rule
17 41(a)(1)(A)(i) does not require leave of court to dismiss the
18 action). The dismissal is without prejudice. See Fed. R. Civ.
19 P. 41(a)(1)(B) (unless plaintiff's notice of dismissal states
20 otherwise, it is deemed to be "without prejudice"); Humphreys v.
21 United States, 272 F.2d 411, 412 (9th Cir. 1959).

22 The Clerk of the Court shall close the file and terminate
23 all pending motions.

24 IT IS SO ORDERED.

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26 Dated: 1/24/2013

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28 CLAUDIA WILKEN
 UNITED STATES DISTRICT JUDGE