

1  
2  
3 IN THE UNITED STATES DISTRICT COURT  
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
5

6 AARON ASHLEY,

No. C 11-01192 CW (PR)

7 Petitioner,

ORDER DIRECTING CLERK OF COURT  
TO TERMINATE ACTION

8 v.

9 CHERYL PLILER, Warden,

10 Respondent.  
\_\_\_\_\_ /

11  
12 Pursuant to the notice of voluntary dismissal of this action  
13 filed by Petitioner on April 11, 2011, this action is terminated.  
14 See Fed. R. Civ. P. 41(a)(1); Hamilton v. Shearson-Lehman American  
15 Exp. Inc., 813 F.2d 1532, 1534-1536 (9th Cir. 1987) (Rule  
16 41(a)(1)(I) does not require leave of court to dismiss the action).  
17 The dismissal is without prejudice. See Fed. R. Civ. P. 41(a)(1)  
18 (unless the notice of dismissal states otherwise, it is deemed to  
19 be "without prejudice"); Humphreys v. United States, 272 F.2d 411,  
20 412 (9th Cir. 1959).

21 The Clerk of the Court shall enter judgment, terminate all  
22 pending motions and close the file.

23 IT IS SO ORDERED.

24 Dated: 4/15/2011



\_\_\_\_\_  
CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

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

4 AARON ASHLEY,  
5 Plaintiff,

Case Number: CV11-01192 CW

**CERTIFICATE OF SERVICE**

6 v.

7 HERYL PLILER et al,  
8 Defendant.

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 15, 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 Aaron Ashley AA3143  
16 B-1-223  
17 CSP-Sacramento  
18 P.O. Box 290066  
19 Represa, CA 95671-0066

20 Dated: April 15, 2011

Richard W. Wieking, Clerk  
By: Nikki Riley, Deputy Clerk