

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

LUIS CASTRO,
Plaintiff,

vs.

MATTHEW CATE, et al.,
Defendants.

No. C 11-02080 YGR (PR)

**ORDER DIRECTING CLERK OF
COURT TO TERMINATE ACTION**

Pursuant to the notice of voluntary dismissal of this action filed by Plaintiff on January 24, 2013, 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. This Order terminates Docket no. 43.

IT IS SO ORDERED.

DATED: February 11, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE