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NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RONNIE S. MARTIN,

Plaintiff,

vs.

KENNETH PONDER, et al.,

Defendants.

No. C 08-4459 JF (PR)

ORDER ADDRESSING
MOTION FOR VOLUNTARY
DISMISSAL

Plaintiff, a California prisoner proceeding pro se, filed the instant civil rights action pursuant to 42 U.S.C. § 1983. The Court dismissed the complaint with leave to amend so that Plaintiff may attempt to allege facts showing why his claims are not time-barred. On December 8, 2008, Plaintiff notified the Court that he would like to dismiss the case, which the Court construes as a motion for voluntary dismissal. However, in the same document Plaintiff requests the Court to send notification to the Prison’s Trust Office “instructing them to remove the filing fee order on 11/20/2008.” (See Docket No. 5.) **Plaintiff is advised that voluntary dismissal of this action does not waive the filing fee.**

Pursuant to the Court’s November 25, 2008 order, Plaintiff has until December 25,

1 2008 to file an amended complaint. If Plaintiff still wishes to pursue this action, he must
2 file an amended complaint in the time provided. At the same time, Plaintiff must file a
3 motion to withdraw his motion to dismiss (Docket No. 5). If Plaintiff fails to file an
4 amended complaint in the time provided, the Court will dismiss this action without
5 prejudice.

6 IT IS SO ORDERED.

7 DATED: 12/16/08

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JEREMY FOGEL
United States District Judge