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

GARY D. EASLEY,)	No. C 09-5755 LHK (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL
)	
v.)	
)	
COUNTY OF SAN BENITO, SAN)	
BENITO SHERIFF'S DEPARTMENT,)	
RAMON MENDOZA, DEPUTY)	
JUREVICH, and CURTIS J. HILL,)	
)	
Defendants.)	

On December 8, 2009, Plaintiff, formerly housed at the San Jose Jail and proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 alleging that various San Benito County officials violated his constitutional rights. On December 2, 2010, Plaintiff filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1). Plaintiff may voluntarily dismiss his complaint without order of this Court if he files his notice before Defendants serve an answer or motion for summary judgment. *See* Fed. R. Civ. P. 41(a)(1)(i); *American Soccer Co. v. Score First Enters.*, 187 F. 3d 1108, 1110 (9th Cir. 1999) (noting that a plaintiff has an “absolute right” to dismiss his action voluntarily before defendant serves an answer or a motion for summary judgment). Accordingly, this action is DISMISSED without prejudice. The Clerk shall close the file.

1 IT IS SO ORDERED.

2 DATED: 12/6/2010



LUCY H. KOH
United States District Judge

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