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*\*E-FILED - 8/2/10\**

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

GEORGE FLORES, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 WARDEN EVANS, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

No. C 10-2127 RMW (PR)  
ORDER GRANTING  
PLAINTIFF'S MOTION FOR  
VOLUNTARY DISMISSAL

On May 18, 2010, plaintiff, a prisoner currently incarcerated at Kern Valley State Prison, filed a "motion for adverse actions," which the Clerk of the Court construed as a civil rights complaint pursuant to 42 U.S.C. § 1983. That same day, the Clerk sent plaintiff a notice that plaintiff was required to either pay the \$350.00 filing fee or file an application for in forma pauperis in order to proceed with his action. The Clerk also sent plaintiff a notice that he was required to file an actual complaint.

On June 24, 2010, plaintiff filed a motion to withdraw his "motion for adverse actions," explaining that he "is unable to conduct required investigations of law and facts for the filing of a formal" civil rights complaint and believed he was only submitting the underlying motion "for this Honorable Court's records."

The court construes plaintiff's motion as a motion for voluntary dismissal of this action.

1 Plaintiff may voluntarily dismiss his complaint with or without order of this court. See Fed. R.  
2 Civ. P. 41(a)(2); 41(a)(1)(i). Said dismissal may be with or without prejudice, but unless  
3 plaintiff's notice of dismissal or the court order states otherwise, it is deemed to be "without  
4 prejudice." See Fed. R. Civ. P. 41(a)(1); 41(a)(2). As such, motion seeking voluntary dismissal  
5 is GRANTED. This action is DISMISSED. The Clerk shall close the file.

6 IT IS SO ORDERED.

7 DATED: 7/30/10

  
RONALD M. WHYTE  
United States District Judge