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

JESSE JAMES,)	No. C 12-0213 LHK (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL
)	
v.)	
)	
UNKNOWN)	
)	
Defendant.)	
)	

On January 12, 2012, Plaintiff, currently housed at the Mule Creek State Prison, and proceeding *pro se*, filed a letter which commenced this action. On February 21, 2012, Plaintiff filed an affidavit of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1). Plaintiff may voluntarily dismiss his complaint 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 terminate all pending motions and close the file.

IT IS SO ORDERED.

DATED: 3/14/12


 LUCY H. KOH
 United States District Judge