

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

JOHNAE HOYT,)	No. C 12-5720 LHK (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL
)	
v.)	
)	
UNIDENTIFIED,)	
)	
Defendant.)	
_____)	

On November 7, 2012, Plaintiff, a California state prisoner, filed a letter with the Court, which initiated these proceedings. (Docket No. 1.) On November 30, 2012, Plaintiff filed another letter indicating that the original letter sent to the Court was not meant to be filed as a complaint. (Docket No. 4.) Plaintiff’s current letter is construed as a request to voluntarily dismiss these proceedings. Plaintiff may voluntarily dismiss his complaint with or without order of this Court. *See* Fed. R. Civ. P. 41(a)(1)(A), (a)(2). Said dismissal may be with or without prejudice, but unless Plaintiff’s notice of dismissal or the court order states otherwise, it is deemed to be “without prejudice.” *See* Fed. R. Civ. P. 41(a)(1)(B), (a)(2). Because no opposing party has been served, Plaintiff’s letter requesting to dismiss these proceedings is construed as a “notice of dismissal,” and requires no order from the Court. *See* Fed. R. Civ. P. 41(a)(1)(A)(i).

Accordingly, this action is DISMISSED. The Clerk of the Court shall terminate all pending motions and close the file. The Clerk is also directed to send an electronic copy of

1 Plaintiff's original letter (Docket No. 1), and a copy of this order to the courtroom deputy of
2 Judge Thelton Henderson.

3 IT IS SO ORDERED.

4 DATED: 12/13/12


LUCY H. KOH
United States District Judge

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28