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


DANIEL J. RUNSTED,	)	No. C 13-4016 LHK (PR)
	)	
Plaintiff,	)	ORDER OF DISMISSAL
	)	
v.	)	
	)	
JEFFREY BEARD,	)	
	)	
Defendant.	)	
	)	

On August 29, 2013, plaintiff, a California state prisoner, filed a request for emergency injunctive relief which initiated these proceedings. (Docket No. 1.) The same day, the Clerk notified plaintiff that he failed to submit a complaint, and sent a complaint form to plaintiff. (Docket No. 2.) On September 13, 2013, plaintiff filed a motion to withdraw his complaint indicating that “[t]he intent of [the] injunction was not to make a civil complaint.” (Docket No. 4.)

Plaintiff may voluntarily dismiss his complaint with or without order of this court. *See* Fed. R. Civ. P. 41(a)(1)(A), (a)(2). Because no opposing party has been served, plaintiff’s motion to withdraw his complaint is construed as a “notice of dismissal.” *See* Fed. R. Civ. P. 41(a)(1)(A)(I). Accordingly, this action is **DISMISSED**. The Clerk shall terminate all pending motions and deadlines and close the file.

IT IS SO ORDERED.

DATED: 10/21/13

  
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 LUCY H. KOH  
 United States District Judge