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FILED

AUG 20 2015

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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

JOHN MONCRIEF,
Plaintiff,

v.
UNKNOWN,
Defendant.

No. C 15-3004 LHK (PR)
ORDER OF DISMISSAL

On June 29, 2015, plaintiff, a California prisoner, filed a letter addressed to District Court Judge Thelton E. Henderson complaining about the medical treatment at California Health Care Facility in Stockton, California. That same day, the clerk sent plaintiff a notice that he must submit a complaint within twenty-eight days to avoid dismissal of the action. On July 31, 2015, plaintiff filed a letter stating that he did not intend to file a formal complaint when he sent the June 29, 2015 letter. Plaintiff requests that the case be dismissed.

Plaintiff may voluntarily dismiss his complaint without order of this court by filing a notice of dismissal before the opposing party serves either an answer or motion for summary judgment. See Fed. R. Civ. P. 41(a)(1)(i). Here, plaintiff's letter filed June 29, 2015, is construed as a notice of dismissal. This case is **DISMISSED** without prejudice.

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Because this case was opened in error, no filing fee is due. The clerk shall terminate all pending motions and deadlines and close the file.

IT IS SO ORDERED.

DATED: 8/19/2015

Lucy H. Koh

LUCY H. KOH
United States District Judge