

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JOHN MONCRIEF,  
  
Plaintiff,  
  
v.  
  
UNKNOWN,  
  
Defendant.

Case No. 16-CV-4505-LHK (PR)  
**ORDER OF DISMISSAL**

On August 10, 2016, plaintiff, a California prisoner, filed a letter addressed to District Court Judge Thelton E. Henderson complaining about the medical treatment at R.J. Donovan Medical Facility in San Diego, 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 August 26, 2016, plaintiff filed a letter stating that he did not intend to proceed with a civil action due to health concerns. He requested that the court “prevent this civil action from going any farther.” (Docket No. 4 at 2.)

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

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judgment. *See* Fed. R. Civ. P. 41(a)(1)(i). Here, plaintiff's letter filed August 26, 2016, is construed as a notice of dismissal. This case is DISMISSED without prejudice.

**IT IS SO ORDERED.**

Dated: 9/21/2016

  
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LUCY H. KOH  
United States District Judge