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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 MARTIN WARE
12 H-13103,

13 Plaintiff,

14 v.

15 UNKNOWN RICHARD J. DONOVAN
16 CORRECTIONAL OFFICERS,

17 Defendant.
18

Case No.: 3:17-cv-01598-GPC-PCL

**ORDER DISMISSING CIVIL
ACTION WITHOUT PREJUDICE**

19 **I. Procedural History**

20 On July 31, 2017, Martin Ware (“Plaintiff”), a state inmate currently housed at the
21 California Substance Abuse Treatment Facility, filed a letter with this Court claiming that
22 his constitutional rights were violated when he was previously housed at the Richard J.
23 Donovan Correctional Facility (“RJD”). (ECF No. 1.) The Court liberally construed
24 Plaintiff’s filing to be a civil rights complaint pursuant to 42 U.S.C. § 1983.

25 On August 25, 2017, Plaintiff filed a Motion for Leave to Proceed *In Forma*
26 *Pauperis* (“IFP”). (ECF No. 5.) However, before the Court could rule on Plaintiff’s IFP
27 Motion, he filed a “Motion for Reconsideration.” (ECF No. 8.)

1 **II. Motion for Reconsideration**

2 In this Motion, Plaintiff does not appear to actually seek reconsideration of any
3 previous Court ruling but instead requests that the Court “void the 1983 action until
4 Plaintiff can receive actual revised correct filing form and/or because he still needs more
5 time to research this case and submit his complaint when ready to do so.” (*Id.*, at 1.) The
6 Court construes Plaintiff’s request as a notice of voluntary dismissal pursuant to
7 Fed.R.Civ.P. 41(a).

8 **II. Conclusion and Order**

9 For the reasons set forth above, the Court hereby:

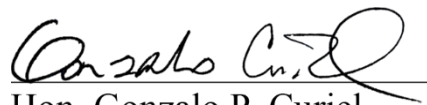
10 (1) **GRANTS** Plaintiff’s “Motion for Reconsideration” (ECF No. 8) and
11 dismisses the entire action, without prejudice, pursuant to Fed.R.Civ.P. 41(a)(2).

12 (2) **DENIES** Plaintiff’s Motion for Leave to Proceed IFP as moot.

13 The Clerk of Court shall close the file.

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15 **IT IS SO ORDERED.**

16 Dated: September 18, 2017


17 Hon. Gonzalo P. Curiel
18 United States District Judge
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