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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 RONALD HOLTZ,

No. 13-CV-5058-EFS

8 Plaintiff,

9 v.

**ORDER DISMISSING COMPLAINT
WITHOUT PREJUDICE AND DIRECTING
THAT COLLECTION OF THE FILING FEE
CEASE**

10 JUAN ELIZONDO, H. ANNASON, J.L.
11 FLUAITT, A. SAWYER, TRACY STENKEL,
12 N. PALAMINO, LES SCNEIDER and
FLORES,

13 Defendants.

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15 By Order filed June 19, 2013, ECF No. 19, the Court directed
16 Plaintiff to amend or voluntarily dismiss his complaint within sixty
17 (60) days. Plaintiff sought additional time to comply with this Order
18 and was granted until September 19, 2013, to do so, ECF No. 23.

19 By letter dated August 28, 2013, Plaintiff advised the Court
20 that he did not have his legal property and indicated that he would
21 sign the motion to voluntarily dismiss and would ask that the filing
22 fee be expunged. It is unclear whether Plaintiff was actually sent an
23 additional copy of the Order to Amend or Voluntarily Dismiss, along
24 with the Motion form, as stated in a letter dated September 4, 2013.

25 Because Plaintiff has stated his intent to voluntarily dismiss
26 this action the Court will liberally construe his letter, ECF No. 24,

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE AND DIRECTING THAT
COLLECTION OF THE FILING FEE CEASE -- 1

1 as a Motion to Voluntarily Dismiss the Complaint pursuant to Rule
2 41(a), Federal Rules of Civil Procedure. Defendants have not been
3 served in this action. Accordingly, **IT IS ORDERED** Plaintiff's Motion,
4 **ECF No. 24** is **GRANTED** and the Complaint is **DISMISSED WITHOUT**
5 **PREJUDICE.**

6 The Court will also liberally construe the letter as a Motion to
7 waive collection of the remaining balance of the filing fee in this
8 action. For good cause shown, **IT IS ORDERED** Plaintiff's Motion, **ECF**
9 **No. 24**, is **GRANTED** and the institution having custody of Mr. Holtz
10 shall cease collection of the filing fee in this action, cause number
11 **CV-13-5058-EFS.**

12 **IT IS SO ORDERED.** The District Court Executive is directed to
13 enter this Order, enter judgment of dismissal without prejudice,
14 forward a copy to Plaintiff and close the file. The District Court
15 Executive is further directed to send a copy of this Order to the
16 Office of the **Department of Corrections, Attn: LFO/COS UNIT, P.O. Box**
17 **41107, Olympia, WA 98504-1107**, to forward to the appropriate agency
18 having custody of Plaintiff. The District Court Executive also **shall**
19 provide a copy of this Order to the Financial Administrator for the
20 United States District Court, Eastern District of Washington.

21 **DATED** this 25th day of September 2013.

22
23 s/ Edward F. Shea
EDWARD F. SHEA
24 Senior United States District Judge
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