

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Guevara v. Valley State Prison

Guevara · No. 1:24-cv-01290-EPG (PC) · Decided February 21, 2025

SUMMARY

The United States District Court for the Eastern District of California construed Plaintiff Michael Guevara's filing as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i). Because the defendants had not been served, the court directed the clerk to close the action without prejudice.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 MICHAEL GUEVARA, Case No. 1:24-cv-01290-EPG (PC) 12 Plaintiff, 13
v. ORDER RE: NOTICE OF VOLUNTARY DISMISSAL 14 VALLEY STATE PRISON, et al.,
(ECF No. 9) 15 Defendants. 16 17 18 Plaintiff Michael Guevara is a prisoner proceeding pro se
and in forma pauperis in this 19 civil rights action filed pursuant to 42 U.S.C. § 1983.1 On
February 3, 2025, this Court issued a 20 screening order, finding no cognizable claims, but giving
Plaintiff thirty days to file an amended 21 complaint, notify the Court that he wants to stand on his
Complaint, or file a notice to of 22 voluntary dismissal.

(ECF No. 8). 23 On February 19, 2025, Plaintiff filed a request that his “previous case (1:24-cv-
01290- 24 EPG), be dismissed with out [sic] prejudice as requested (3) File A Notice of Voluntary
25 Dismissal.” (ECF No. 9). 26 The Court construes Plaintiff's filing as a notice of voluntary
dismissal pursuant to Federal 27 Rule of Civil Procedure 41(a)(1)(A)(i).

Therefore, this action has been terminated. Fed. R. Civ. 28 1 The Defendants have not yet been
served in this action. 1 | P.41(a)(1)(A)G); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir.
1997). Accordingly, the 2 | Clerk of Court is respectfully directed to assign a district judge to this
case for the purposes of 3 | closing the case and then to close the case.

4; IT IS SO ORDERED. Dated: _ February 21, 2025 [Jee ey □□ 7 UNITED STATES
MAGISTRATE JUDGE 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28