

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Frank Monaco Bazzo v. State of California, et al.

Bazzo · No. 1:23-cv-01454-KES-SAB (PC) · Decided April 29, 2025

OPINION

(PC) Bazzo v. State of California

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

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11 FRANK MONACO BAZZO, No. 1:23-cv-01454-KES-SAB (PC)

12 Plaintiff, ORDER DIRECTING CLERK OF COURT TO

TERMINATE ACTION PURSUANT TO

13 v. PLAINTIFF’S MOTION FOR VOLUNTARY

DISMISSAL

14 STATE OF CALIFORNIA, et al. (ECF No. 30) 15 Defendants. 16 17 Plaintiff is proceeding
pro se in this action filed pursuant to 42 U.S.C. § 1983. 18 On March 31, 2025, the Court
discharge the order to show cause and granted Plaintiff 19 thirty days to file an amended
complaint. 20 In response, on April 29, 2025, Plaintiff filed a motion to voluntarily dismiss the
action 21 pursuant to Federal Rule of Civil Procedure 41. 22 “[U]nder Rule 41(a)(1)(i), a plaintiff
has an absolute right to voluntarily dismiss his action 23 prior to service by the defendant of an
answer or a motion for summary judgment.” Commercial 24 Space Mgmt. Co., Inc. v. Boeing
Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999) (quotation and 25 citation omitted). “[A] dismissal
under Rule 41(a)(1) is effective on filing, no court order is 26 required, the parties are left as
though no action had been brought, the defendant can’t complain, 27 and the district court lacks
jurisdiction to do anything about it.” Id. at 1078. No defendant has 28 been served in this action
and no defendant has filed an answer or motion for summary judgment. 1 Accordingly, this action
is terminated, without prejudice, by operation of law without 2 | further order from the Court. Fed.
R. Civ. P. 41(a)(1)(A)q). 3

4 IT IS SO ORDERED. FA. ee

5 | Dated: _ April 29, 2025

STANLEY A. BOONE

6 United States Magistrate Judge 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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