UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SAM DRAKE, Plaintiff, v. MCCOMAS, *et al.*, Defendants.	Case No. 1:22-cv-01149 JLT BAM (PC) ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR VOLUNTARY DISMISSAL OF DEFENDANT ENRIQUEZ AND DIRECTING THE CLERK OF COURT TO UPDATE THE DOCKET (Doc. 61)

Sam Drake is a pretrial detainee proceeding *pro se* in this action, asserting violations of his civil rights while custody at the Fresno County Jail. On June 4, 2025, Plaintiff filed a motion to voluntarily dismiss Defendant Enriquez, with prejudice, pursuant to Rule 41 of the Federal Rules of Civil Procedure. (Doc. 61.) On June 6, 2025, Defendants responded that they "do not oppose the Plaintiff's motion for voluntary dismissal of Defendant Patricia Enriquez with prejudice pursuant to Rule 41(a)(2)." (Doc. 63 at 1.) Based upon Defendants' non-opposition, the Court finds dismissal is appropriate. *See* Fed. R. Civ. P. 41(a)(2). Thus, the Court **ORDERS**:

1. Plaintiff's motion for voluntary dismissal of Defendant Enriquez, with prejudice, (Doc. 61) is **GRANTED**.
2. The claims against Defendant Patricia Enriquez are **DISMISSED** with prejudice.
3. This action now proceeds on the following claims **only**:
   a. violation of the First Amendment based on a facial challenge to Fresno County

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Jail ("FCJ") Policies #E-120 and #E-410 against Defendants Mims, McComas, and Zanoni;

b. violation of the First Amendment, based on an as-applied challenge to FCJ Policies #E-120 and #E-410, against Defendants Keoniyom, Nichols, and Snyder; and

c. violation of Due Process for returning Plaintiff's mail against Defendants Keoniyom, Nichols, and Snyder.

4. The Clerk of Court is directed to update the docket and terminate Defendant Enriquez from this action.

IT IS SO ORDERED.

Dated: **June 12, 2025**

UNITED STATES DISTRICT JUDGE