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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

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Prestige Administration, Inc., an Arizona )  
corporation, )

No. CV09-1804-PHX-DGC

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Plaintiff, )

**ORDER**

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vs. )

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US Fidelis, Inc., a Missouri corporation; )  
et al., )

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Defendants. )

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On September 30, 2010, this Court issued an order directing Plaintiff to file, by October 15, a dismissal or a memorandum why this action should not be dismissed in light of Plaintiff's most recent status report (Doc. 98). Doc. 99. Plaintiff has not complied. For the reasons set forth below, the Plaintiff's action is dismissed as moot.

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According to Plaintiff's most recent status report filed on September 21, 2010, Plaintiff has entered into a voluntary order that, *inter alia*, enjoins Plaintiff from litigating against US Fidelis, Inc., Crescent Manufacturing Company, LLC, and Darrain and Mia Atkinson. Doc. 98. The order was approved by the bankruptcy judge presiding over the adverse proceedings against US Fidelis, Inc. in the bankruptcy court for the Eastern District of Missouri. *Id.* at 4-7. Furthermore, this Court has earlier dismissed Plaintiff's claims against Mepco Finance Corporation with leave to amend (Doc. 87), and Plaintiff has not filed an amendment. Moreover, Plaintiff indicated in its last status report that this Court had dismissed the claims against Mepco, implying that it will not seek leave to amend.

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*See* Doc. 98.

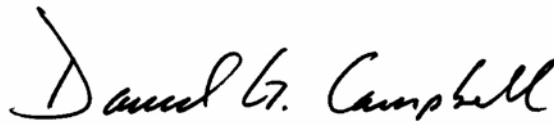
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1 A district court may dismiss an action *sua sponte* under Federal Rule of Civil  
2 Procedure 12 if the action is moot. Fed. R. Civ. P. 12(h)(3). In this case, Plaintiff admits that  
3 it entered into a voluntary order to not litigate against the only remaining defendants in this  
4 case. Doc. 98. This voluntary order has mooted the present controversy between the  
5 remaining parties. Accordingly, the action will be dismissed as moot. *See Bernhardt v.*  
6 *County of Los Angeles*, 279 F.3d 862, 871 (9th Cir. 2002).

7 **IT IS ORDERED:**

8 1. The Clerk of Court shall dismiss this action.

9 DATED this 25th day of October, 2010.

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David G. Campbell  
United States District Judge