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2010.

**IT IS ORDERED:**

(1) The Complaint (Doc. #1) and this action are **dismissed without prejudice** and the Clerk of Court **must enter judgment** accordingly.

(2) The Clerk of Court **must file** a copy of the Complaint (Doc. #1) as a First Amended Complaint in case #CV 10-124-PHX-RCB (DKD), *nunc pro tunc* April 6, 2010.

(3) The Clerk of Court **must close** this case.

Dated this 8th day of April , 2010.

  
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Robert C. Broomfield  
Senior United States District Judge