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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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10 Arcus Equity II, LLC,

11 Plaintiff,

12 vs.

13 Mission Capital Advisors, Inc., et al.,

14 Defendants.

No. CV-11-1453-PHX-PGR

ORDER

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16 On August 30, 2011, the Court entered an order (Doc.11) that dismissed  
17 the complaint in this action for lack of subject matter jurisdiction due to the  
18 plaintiff's failure to properly allege the existence of diversity of citizenship  
19 jurisdiction, required the plaintiff to file an amended complaint no later than  
20 September 12, 2011 that cured the deficient jurisdictional allegations, and  
21 advised the plaintiff that this action would be dismissed for lack of subject matter  
22 jurisdiction if the required amended complaint was not timely filed. On  
23 September 15, 2011, the plaintiff, instead of filing a notice of voluntary dismissal  
24 pursuant to Fed.R.Civ.P. 41(a)(1)(A)(i), filed a Notice of Intention Not to Submit  
25 Amended Complaint (doc. 12) wherein it states that it has elected not to file an  
26 amended complaint and that it was reserving its right to commence a separate

1 action against the defendants in the future. Therefore,

2 IT IS ORDERED that this action is dismissed for lack of subject matter  
3 jurisdiction. The Clerk of the Court shall enter judgment accordingly.

4 DATED this 19<sup>th</sup> day of September, 2011.

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Paul G. Rosenblatt  
United States District Judge

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