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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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James Francis,

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No. CIV 07-8130-PCT-SMM

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Plaintiff,

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ORDER

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v.

)

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Office of Navajo Hopi Indian Relocation,

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Defendant.

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Pending before the Court is the parties' Joint Motion to Vacate the Court's Order of September 5, 2008, dismissing the above captioned matter with prejudice.¹ (Doc. 34.) The case was dismissed pursuant to the Stipulation to Dismiss filed by the parties on September 4, 2008. In that stipulation the parties failed to note that Plaintiff is entitled to costs and attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (EAJA).

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Accordingly,

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IT IS HEREBY ORDERED GRANTING the parties' Motion to Vacate the Court's Order of September 5, 2008. (Doc. 34.)

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IT IS FURTHER ORDERED DISMISSING this case with prejudice. Plaintiff is granted leave to file a Motion for Attorney's Fees under the Equal Access to Justice Act.

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¹ Plaintiff also requested leave therein to file a Motion for Attorney's fees under the EAJA.

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IT IS FURTHER ORDERED that any pending motions (Docs. 32 and 29) are **TERMINATED** and any hearings in this matter are hereby **VACATED**.

IT IS FURTHER ORDERED that the Clerk of the Court shall close this case.

DATED this 2nd day of October, 2008.



Stephen M. McNamee
United States District Judge