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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

ANLIN INDUSTRIES, INC., a California corporation	)	1:05cv1317 DLB
	)	
	)	ORDER REQUIRING DEFENDANT TO NOTIFY COURT OF POSITION ON PLAINTIFF'S MOTION TO DISMISS
Plaintiff,	)	
	)	
v.	)	
	)	
PAUL BURGESS,	)	
	)	
Defendant.	)	

On July 17, 2009, Plaintiff filed a motion to dismiss this action, explaining that it has received a majority of its requested relief and no longer wishes to pursue the action. A hearing on the motion is currently set for September 4, 2009.

Pursuant to [Federal Rule of Civil Procedure 41\(a\)\(2\)](#), the Court may dismiss an action upon plaintiff's request unless the defendant can show that he will suffer legal prejudice as a result. [Smith v. Lenches, 263 F.3d 972, 975 \(9th Cir. 2001\)](#). Legal prejudice is defined as prejudice to a legal interest, claim or argument. [Westlands Water Dist. v United States, 100 F.3d 94, 97 \(9th Cir. 1996\)](#).

1 Defendant is therefore ORDERED to inform the Court whether he opposes the motion to  
2 dismiss within FIVE (5) days of the date of service of this order. If Defendant does not oppose  
3 the motion, he should file a statement of non-opposition.

4 IT IS SO ORDERED.

5 **Dated: July 21, 2009**

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE

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