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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

SPENCER PETERSON III,
Plaintiff,
vs.

CASE NO. CV F 06-0349 LJO SMS

**ORDER TO DISMISS AND TO CLOSE
ACTION**
(Doc. 94.)

STATE OF CALIFORNIA DEPARTMENT
OF CORRECTIONS AND
REHABILITATION, et al.,
Defendants.

_____ /

Based on the parties' stipulation for dismissal under F.R.Civ.P. 41(a)(1)(A)(ii), this Court:

1. DISMISSES this entire action;
2. VACATES all pending matters, including the May 10, 2010 pretrial conference and the June 28, 2010 trial; and
3. DIRECTS the clerk to close this action.

IT IS SO ORDERED.

Dated: May 5, 2010

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE