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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MANJINDER DHILLON,

Plaintiff,

v.

MICHAEL CHERTOFF, SECRETARY
DEPARTMENT OF HOMELAND
SECURITY, et al.,

Defendants.

CV F-07-1216 AWI NEW

NOTICE OF VOLUNTARY DISMISSAL
OF PLAINTIFF, MANJINDER DHILLON,
AND PROPOSED ORDER

Rule 41 (a)(1)

A 71944707

PLEASE TAKE NOTICE:

That PLAINTIFF, MANJINDER DHILLON, has cleared the background name check and there are no steps remaining in the adjudication of his green card application. Accordingly, Plaintiff, MANJINDER DHILLON, hereby requests that the case be dismissed pursuant to Rule 41 (a)(1) of the Federal Rules of Civil Procedure.

Under Rule 41(a)(1), a plaintiff has an absolute right to dismiss his action prior to service by the defendant of an answer or motion for summary judgment. Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997).

1 No answers to plaintiff's complaint and no motions for summary judgment have been
2 filed in this case. No such answers or summary judgment motion have been served.
3 Accordingly, Plaintiff, MANJINDER DHILLON, requests that this action be dismissed.
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5 Respectfully Submitted,
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9 Dated: February 5, 2008

/s/ JAMES M. MAKASIAN
JAMES M. MAKASIAN
STEVE P. SIMONIAN, Jr.
Attorneys for Plaintiff

12
13 ORDER

14 Plaintiff's request to dismiss is GRANTED. The Clerk of the Court is DIRECTED TO
15 close this action.
16

17 IT IS SO ORDERED.

18 Dated: February 6, 2008

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE