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6 **UNITED STATES DISTRICT COURT**  
78 EASTERN DISTRICT OF CALIFORNIA  
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CHRISTOPHER H. BURCH, CASE NO. 1:08-cv-00508-OWW-GSA PC  
Plaintiff, ORDER DISMISSING DEFENDANT DANIEL  
v. YOUNG SHIN, WITH PREJUDICE,  
JAMES A. HARTLEY, et al., PURSUANT TO PARTIES' STIPULATION  
(Doc. 48)  
Defendants. ORDER DENYING DEFENDANT DANIEL  
YOUNG SHIN'S MOTION TO DISMISS AS  
MOOT  
(Doc. 25)

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This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff Christopher H. Burch, a state prisoner. The action is proceeding against Defendants Greenman, Ritter, Hawthorne, Choo, Cohen, Silveanu, Lyle, Harman, Hunt, Salmi, Kahng, Castillo, and Shin for violation of the Eighth Amendment and negligence. On September 24, 2009, the Court received the parties' stipulation to dismiss Defendant Daniel Young Shin, with prejudice. Fed. R. Civ. P. 41(a)(2).

Accordingly, Defendant Daniel Young Shin is DISMISSED, with prejudice, and his motion to dismiss, filed August 18, 2009, is DENIED as moot.

IT IS SO ORDERED.

Dated: September 28, 2009

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE