

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

ROGER D. PRICE, ) 1:08-cv-1079 GSA

Plaintiff, )

## ORDER DISMISSING ACTION

VS.

MICHAEL J. ASTRUE, Commissioner,

Defendant

Pursuant to the parties' stipulation filed on January 9, 2009, this action is DISMISSED without prejudice pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Each party shall bear its own costs and expenses, including, but not limited to attorney's fees.

IT IS SO ORDERED

Dated: January 15, 2009

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE