

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

On November 17, 2008, Defendants filed a Motion to Dismiss Defendant Scott Salyer (Doc. 18). On January 22, 2009, Plaintiff filed a Notice of Voluntary Dismissal. The hearing on the Motion to Dismiss which was scheduled for January 23, 2009 was vacated. In light of Plaintiff's filing, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, IT IS HEREBY ORDERED that Defendant Scott Salyer is dismissed from all claims and causes of action in the complaint. Since Defendant Salyer has been dismissed from this action, Defendant's motion is DENIED as moot.

IT IS SO ORDERED.

Dated: January 27, 2009

/s/ **Gary S. Austin**

1 UNITED STATES MAGISTRATE JUDGE
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