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

11 C. BROOKS CUTTER,  
 12 Plaintiff,  
 13 v.  
 14 FOOD AND DRUG ADMINISTRATION  
 and DEPARTMENT OF HEALTH AND  
 15 HUMAN SERVICES,  
 16 Defendants.

No. 1:09-cv-00107-LJO-DLB

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE**

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 19 C. BROOKS CUTTER, plaintiff, and the FOOD AND DRUG ADMINISTRATION  
 20 and the DEPARTMENT OF HEALTH AND HUMAN SERVICES, defendants, through their  
 21 undersigned counsel of record, pursuant to Fed. R. Civ. P. 41(a)(2), hereby stipulate, subject  
 22 to the approval of the Court as provided for hereon, that the entire action hereby is  
 23 DISMISSED WITH PREJUDICE, each side to bear its own costs and attorney's fees.

**ORDER**

25 Based on the parties' stipulation, this Court DISMISSES this action with prejudice and  
 26 DIRECTS the clerk to close this action.

27 IT IS SO ORDERED.

28 **Dated:** October 25, 2010                      /s/ Lawrence J. O'Neill  
 UNITED STATES DISTRICT JUDGE