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11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**

13 THOMAS E. MARTINEZ,

14 Plaintiff,

15 v.

16 MICHAEL J. ASTRUE
17 Commissioner of Social Security,

18 Defendant.

19 No. 1:09-CV-01006 GSA

20 ORDER DISMISSING CASE

21 At the request of the parties, the court dismisses the above matter without
22 prejudice pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure.
23 Each side to bear his/her own costs and expenses, including but not limited to
24 attorney's fees. The Clerk of the Court is directed to close this case.

25 IT IS SO ORDERED.

26 DATE: December 9, 2009

27 /s/ Gary S. Austin
28 THE HONORABLE GARY S. AUSTIN
UNITED STATES MAGISTRATE JUDGE