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("Defendant"), that this matter be dismissed with prejudice, each party to bear its own fees, costs, and expenses.

DATE: September 27, 2010 Respectfully submitted,
LAW OFFICES OF LAWRENCE D. ROHLFING

/s/ Denise Bourgeois Haley
BY: _____
Denise Bourgeois Haley
Attorney for plaintiff Kelly S. Day

DATED: September 28, 2010 BENJAMIN B. WAGNER
United States Attorney

/s/ Brenda M. Pullin

Brenda M. Pullin
Special Assistant United States Attorney
Attorneys for Defendant Michael J. Astrue,
Commissioner of Social Security
(Per e-mail authorization 09/28/2010)

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

KELLY S. DAY,) Case No.: 1:10-cv-575 SKO
)
Plaintiff,) **ORDER OF DISMISSAL**
)
vs.)
)
MICHAEL J. ASTRUE,)
)
Commissioner of Social Security,)
)
Defendant.)
)

The above captioned matter is dismissed with prejudice, each party to bear its own fees, costs, and expenses.

IT IS SO ORDERED.

Dated: September 29, 2010

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE