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

JOSEPH ROBERT McCLINTIC, et al.

Plaintiffs,

v.

UNITED STATES POSTAL SERVICE, et al.

Defendants.

1:13-cv-00439-LJO-GSA

ORDER ON DEFENDANT UNITED STATES' UNOPPOSED MOTION TO DISMISS (Doc. 23)

Plaintiffs Joseph Robert McClintic, through his guardian ad litem Marlene Hubbell, and Marlene Hubbell, as co-trustee of the Joseph McClintic Living Trust, filed a complaint against defendants the United States Postal Service; Bertha Cervantes, a United States postal carrier; and Does 1 through 50. Plaintiffs allege that defendants are liable for Ms. Cervantes' alleged execution of a "sweetheart swindle scam" against Mr. McClintic in which she conned Mr. McClintic out of approximately \$38,000 in gifts and monies.

The United States, on behalf of the United States Postal Service, filed a motion to dismiss all claims against it, with prejudice, for failure to establish subject matter jurisdiction and failure to state a claim. Plaintiffs filed a statement of non-opposition to the motion.

The United States' unopposed motion to dismiss all claims against it is GRANTED. All claims

1 against the United States are DISMISSED WITH PREJUDICE. The Clerk is DIRECTED to enter
2 judgment in favor of the United States. The hearing set for July 2, 2013 is VACATED.

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6 IT IS SO ORDERED.

7 Dated: June 21, 2013

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE