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11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**
13 **FRESNO DIVISION**

14
15 DAVID GERARDO MARTINEZ,) Case No.: 1:17-cv-00831-BAM
16 Plaintiff,)
17 vs.) STIPULATION AND ORDER FOR
18 NANCY A. BERRYHILL, Acting) DISMISSAL
Commissioner of Social Security,)
19 Defendant.)
20

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22 TO THE HONORABLE BARBARA A. MCAULIFFE, MAGISTRATE
23 JUDGE OF THE DISTRICT COURT:

24 IT IS HEREBY STIPULATED, by and between David Gerardo Martinez
25 (“Plaintiff”) and Nancy A. Berryhill as the Acting Commissioner of Social
26 Security (“Defendant”), that this matter be dismissed with prejudice, each party to

1 bear its own fees, costs, and expenses. The parties enter into this stipulation
2 pursuant to the terms of F.R.Civ.P. Rule 41(a)(1)(A)(ii) and 41(a)(1)(B).

3 DATE: February 14, 2018

Respectfully submitted,

4 LAW OFFICES OF LAWRENCE D. ROHLFING

5 */s/ Young Cho*

6 BY: _____

Young Cho

7 Attorney for plaintiff David Gerardo Martinez

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9 DATE: February 14, 2018

McGREGOR W. SCOTT
United States Attorney

10
11 */s/ Michael K. Marriott*

12 _____
MICHAEL K. MARRIOTT

13 Special Assistant United States Attorney
14 Attorneys for Defendant Nancy A. Berryhill,
Acting Commissioner of Social Security
(Per e-mail authorization)

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17 **ORDER**

18 Pursuant to the parties' stipulation of dismissal, this action is DISMISSED
19 with prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil
20 Procedure. Each party shall bear its own attorney's fees, costs and expenses. The
21 Clerk of the Court is directed to close this case.

22
23 IT IS SO ORDERED.

24 Dated: February 14, 2018

/s/ Barbara A. McAuliffe

25 UNITED STATES MAGISTRATE JUDGE