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

BOARDS OF TRUSTEES OF THE  
ROOFERS LOCAL 27 HEALTH AND  
WELFARE TRUST FUND, *et al.*,  
  
Plaintiff,  
  
v.  
  
ROSIE THE ROOFER LLC, *et al.*,  
  
Defendants.

Case No. 1:17-cv-01049-AWI-EPG  
  
**ORDER TERMINATING NATIONAL  
ROOFING INDUSTRY PENSION PLAN  
AS PLAINTIFF ON THE DOCKET**  
  
(ECF No. 6)

On October 18, 2017, National Roofing Industry Pension Plan filed a notice to dismiss without prejudice its claims in this action against Defendants Rosie the Roofer LLC, Fidelity and Deposit Company of Maryland, and Does 1 through 50. (ECF No. 6.) Thus, the claims of National Roofing Industry Pension Plan are dismissed without prejudice. *See* Fed. R. Civ. P. 41(a)(1)(A)(i); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997); *Concha v. London*, 62 F.3d 1493, 1506 (9th Cir. 1995) (“Even if the defendant has filed a motion to dismiss, the plaintiff may terminate his action voluntarily by filing a notice of dismissal under Rule 41(a)(1).”). Accordingly, the Clerk of the Court is DIRECTED to terminate NATIONAL ROOFING INDUSTRY PENSION PLAN on the docket as a plaintiff.  
IT IS SO ORDERED.

Dated: October 19, 2017

/s/ Eric P. Shroy  
UNITED STATES MAGISTRATE JUDGE

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