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4                   **UNITED STATES DISTRICT COURT**  
5                   **EASTERN DISTRICT OF CALIFORNIA**  
6                   **FRESNO DIVISION**

7                   NM BY AND THROUGH HIS                   ) Case No.: 1:17-cv-01423-GSA  
8                   GUARDIAN AD LITEM NELY                )  
9                   RODRIGUEZ,                                )  
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Plaintiff,    ) ORDER OF DISMISSAL

vs.    )

NANCY A. BERRYHILL, Deputy                                )  
Commissioner for Operations,                                )  
performing the duties and functions not                )  
reserved to the Commissioner of Social,                )

Defendant.

Plaintiff NM moves to dismiss the above-entitled action pursuant to F.R.C.P. 41(a)(1), which permits a plaintiff to dismiss an action before the defendant has filed an answer or motion for summary judgment.

In accordance with Plaintiff's motion, the above-entitled action is hereby dismissed with prejudice. Each party shall bear its own fees, costs, and expenses.

IT IS SO ORDERED.

Dated: July 30, 2018

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE