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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DOUGLAS WAYNE PERRY,

11 Plaintiff,

No. CIV S-04-0868 JAM EFB PS

12 vs.

13 PAUL ZUPAN, et al.,

14 Defendants.

ORDER

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16 This action, in which plaintiff is now proceeding *in propria persona*, was referred to the  
17 undersigned under Local Rule 72-302(c)(21), pursuant to 28 U.S.C. § 636(b)(1). On February 4,  
18 2009, plaintiff filed correspondence with the court in which he expressed an intent to abandon  
19 this action. On February 4, 2009, the court granted defendants five days to file a document  
20 consenting to plaintiff's request for dismissal.

21 On February 12, 2009, all defendants filed their consent to plaintiff's request for  
22 dismissal. Accordingly, the court finds that plaintiff's February 4, 2009, filing and defendants'  
23 February 12, 2009, filing constitute a stipulation of dismissal pursuant to Rule 41(a)(1)(A)(ii)  
24 and the Clerk is directed to CLOSE the case.

25 Dated: February 12, 2009.

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EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE