

1 SCOTT N. JOHNSON, ESQ., SBN 166952  
 2 DISABLED ACCESS PREVENTS INJURY, INC.  
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9 Attorney for Plaintiff Scott N. Johnson

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

SCOTT N. JOHNSON  
 Plaintiff,  
 vs.

Case No.: CIV.S 08-cv-01300-FCD-GGH

**PLAINTIFF'S REQUEST FOR  
 DISMISSAL OF MARCELLUS MCNEIL  
 AND ORDER**

KUM CHA KIM, et. al.,  
 Defendants

Complaint Filed: JUNE 10, 2008

**CASE TO BE REMAINED OPEN WITH  
 REMAINING DEFENDANTS**

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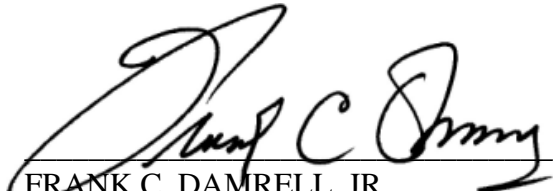
**IT IS HEREBY REQUESTED** by Plaintiff, Scott N. Johnson, that Defendant (Marcellus McNeil) be and is hereby dismissed **WITHOUT PREJUDICE** pursuant to FRCP 41(a)(2). This case is to be remained open with remaining Defendants. Defendant (Marcellus McNeil) is dismissed because Plaintiff is unable to affect proper service.

Dated: February 2, 2009

/s/Scott N. Johnson  
 SCOTT N. JOHNSON  
 Attorney for Plaintiff

1 **IT IS SO ORDERED.**

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3 Dated: February 2, 2009

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FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE