

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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BILAL ABDUL YASIN,

NO. CIV. 2:08-cv-2299 FCD GGH

Plaintiff,

V.

ORDER

CHAD COULTER, et al.,

Defendants.

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This matter is before the court on defendant California

20 Department of Alcoholic Beverage Control's motion to dismiss

21 because it is immune from suit in federal court pursuant to the

22 Eleventh Amendment. Plaintiff Bilal Abdul Yasin does not oppos

23 the motion to the extent it is entered without prejudice to him.

24 right to refile in a court of competent jurisdiction. After a

25 review of the submissions and in light of plaintiff's non-

26 opposition, defendant's motion to dismiss is GRANTED without

27 || prejudice. See *Freeman v. Oakland Unified Sch. Dist.*, 179 F.3d

²⁸ 846, 847 (9th Cir. 1999) ("Dismissals for lack of jurisdiction

1 should be without prejudice so that a plaintiff may reassert his
2 claim in a competent court.") (internal quotations omitted).

3 IT IS SO ORDERED.

4 DATED: January 16, 2009



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6 FRANK C. DAMRELL, JR.
7 UNITED STATES DISTRICT JUDGE
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