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9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA  
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13 BILAL ABDUL YASIN,  
14 Plaintiff,

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

15 v.

ORDER

16 CHAD COULTER, et al.,  
17 Defendants.  
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19 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 oppose  
23 the motion to the extent it is entered without prejudice to his  
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

A handwritten signature in black ink, appearing to read "Frank C. Damrell, Jr.", written in a cursive style.

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FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE