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

JENNIFER RUIZ,

Plaintiff,

No. 2:08-cv-2579 LKK JFM PS

vs.

U.S. DEPARTMENT OF EDUCATION
FEDERAL STUDENT AID CONDITIONAL
DISABILITY DISCHARGE; PROGRESSIVE
FINANCIAL SERVICES, INC.,

Defendants.

ORDER

On April 28, 2010, defendant Progressive Financial Services, Inc., filed a motion to dismiss scheduled to be heard on June 10, 2010. On May 28, 2010, plaintiff filed a statement of non-opposition. Furthermore, on June 3, 2010, counsel for defendant United States Department of Education specially appeared to represent that they have not been properly served pursuant to Federal Rule of Civil Procedure 4(i).

Accordingly, IT IS HEREBY ORDERED THAT:

1. Defendant Progressive Financial Services, Inc.'s April 28, 2010 motion to dismiss is granted pursuant to Federal Rule of Civil Procedure 41(a)(2);
2. The June 10, 2010 hearing on defendant's motion to dismiss is vacated;

1 3. The status conference scheduled for June 10, 2010 is hereby vacated; and

2 4. This action is dismissed as to all parties.

3 DATED: June 9, 2010.

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6 UNITED STATES MAGISTRATE JUDGE

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