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

15
16 SCOTT N. JOHNSON

17 Case No.: CIV.S 08-cv-02698-FCD-DAD

18 Plaintiff,
19 vs.

20 **PLAINTIFF'S REQUEST FOR
21 DISMISSAL OF CONSTANCE FONG
22 AND ORDER**

23
24 MARK COOPER, ET. AL.,
25 Defendants

26 Complaint Filed: NOVEMBER 12, 2008

27
28 **CASE TO BE REMAINED OPEN WITH
REMAINING DEFENDANTS**

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30 **IT IS HEREBY REQUESTED** by Plaintiff, Scott N. Johnson, that Defendant
31 (Constance Fong) be and is hereby dismissed **WITHOUT PREJUDICE** pursuant to FRCP 41
32 (a)(2). This case is to be remained open with remaining Defendants. Defendant (Constance
33 Fong) is dismissed because this Defendant is deceased.

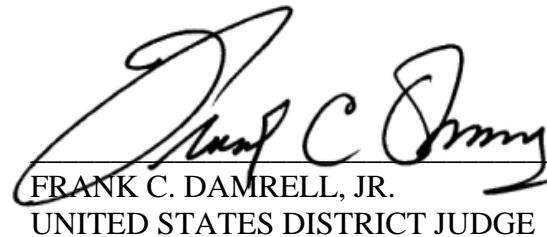
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35 Dated: January 22, 2009

36 /s/Scott N. Johnson

37 SCOTT N. JOHNSON
38 Attorney for Plaintiff

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IT IS SO ORDERED.

Dated: January 22, 2009



FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE