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

VICTORIANO VALENCIA, ET AL.,

Plaintiff,

No. CIV S-09-1228 KJM-KJN

vs.

DEL RIO WEST PALLET COMPANY  
INC., ET AL.,

Defendants.

ORDER

\_\_\_\_\_ /  
This matter is before the court on plaintiff’s motion to dismiss in accordance with Federal Rule of Civil Procedure 41(a)(2). ECF 24. Defendants have not opposed the motion. On May 4, 2009, plaintiffs filed a complaint in this court alleging violations of the Federal Labor Standards Act (“FLSA”) along with related state claims. ECF 2. As set forth in Plaintiffs’ Status Report, filed April 21, 2011, and Defendants’ Status Report, filed April 25, 2011, and further discussed at a status conference on April 27, 2011, the parties agree FLSA jurisdiction does not exist. Given the agreed absence of federal question jurisdiction, the FLSA claims are dismissed with prejudice, the state law claims are dismissed without prejudice, and the case is CLOSED.

IT IS SO ORDERED.

DATED: July 11, 2011.

  
UNITED STATES DISTRICT JUDGE