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

10 SCOTT N. JOHNSON
 11 Plaintiff,
 12 vs.

14 Thom Finks, et al,
 16 Defendants

Case No.: CIV.S 09-cv-01271-MCE-EFB

**PLAINTIFF’S REQUEST FOR
 DISMISSAL OF F. LANGWITH BERRY
 AND ORDER**

Complaint Filed: MAY 8, 2009

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

20 **IT IS HEREBY REQUESTED** by Plaintiff, Scott N. Johnson, that Defendant (F.
 21 Langwith Berry) be and is hereby dismissed **WITHOUT PREJUDICE** pursuant to FRCP 41
 22 (a)(2).

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1 This case is to be remained open with remaining Defendants. Defendant (F. Langwith
2 Berry) is dismissed because this Defendant is deceased.

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4 Dated: August 12, 2009

/s/Scott N. Johnson
SCOTT N. JOHNSON
Attorney for Plaintiff

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7 **IT IS SO ORDERED.**

8 DATED: August 14, 2009

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11 MORRISON C. ENGLAND, JR
12 UNITED STATES DISTRICT JUDGE
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