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

Case No.: CIV.S 09-cv-02098-JAM-GGH

SCOTT N. JOHNSON  
 Plaintiff,  
 vs.

**PLAINTIFF’S REQUEST FOR  
 DISMISSAL OF JOHN OTTO AND  
 ORDER**

John Otto, et al,

Complaint Filed: JULY 30, 2009

Defendants

**CASE TO REMAIN OPEN WITH  
 REMAINING DEFENDANTS**

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**IT IS HEREBY REQUESTED** by Plaintiff, Scott N. Johnson, that Defendant (John Otto) be and is hereby dismissed **WITH PREJUDICE** pursuant to FRCP 41 (a)(2). This case is to remain open with remaining Defendant. Defendant (John Otto) is dismissed because this Defendant is deceased.

Dated: September 14, 2009

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

**IT IS SO ORDERED.**

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Dated: September 14, 2009

/s/ John A. Mendez  
U. S. DISTRICT JUDGE