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5 Attorney for Plaintiff Scott N. Johnson

6
 7 IN THE UNITED STATES DISTRICT COURT
 8 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 Scott N. Johnson

11 Plaintiff,

12 vs.

14 D.G. Smith Enterprises, Inc., et al,

16 Defendants

Case No.: CIV.S 09-cv-03192-LKK-DAD

**PLAINTIFF’S REQUEST FOR
 DISMISSAL OF JOSEPH D. FANELLI
 AND ORDER**

Complaint Filed: NOVEMBER 17, 2009

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


20 **IT IS HEREBY REQUESTED** by Plaintiff, Scott N. Johnson, that Defendant (Joseph
 21 D. Fanelli) be and is hereby dismissed **WITHOUT PREJUDICE** pursuant to FRCP 41 (a)(2).
 22 This case is to be remained open with remaining Defendants. Defendant (Joseph D. Fanelli) is
 23 dismissed because this Defendant is deceased.

25 Dated: March 1, 2010

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

1 **IT IS SO ORDERED.**

2 Dated: March 2, 2010

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6 LAWRENCE K. KARLTON
7 SENIOR JUDGE
8 UNITED STATES DISTRICT COURT
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