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

DANIEL STEVE DIXON,

Plaintiff,

No. 2:10-cv-1441 GEB KJN P

vs.

S. LAROSA, et al.,

Defendants.

ORDER

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On October 31, 2011, plaintiff, a state prisoner proceeding without counsel, requested that defendant Gamez be dismissed from this action because plaintiff's claims against defendant Gamez are not cognizable civil rights claims. On October 31, 2011, defendant Gamez filed a statement of non-opposition to the dismissal of defendant Gamez with prejudice. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, plaintiff's request shall be honored. This dismissal renders defendant Gamez' motion to dismiss moot.

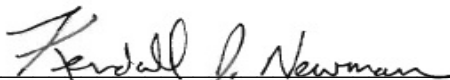
Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's October 31, 2011 motion to withdraw defendant Gamez (dkt. no. 68) is granted;
2. Plaintiff's claims against defendant Gamez are dismissed with prejudice; and

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1                   3. The Clerk of the Court shall terminate the September 6, 2011 motion to  
2 dismiss filed by defendant Gamez. (Dkt. No. 62.)

3 DATED: November 8, 2011

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6 KENDALL J. NEWMAN  
7 UNITED STATES MAGISTRATE JUDGE

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