

1 SCOTT N. JOHNSON, ESQ., SBN 166952  
2 DISABLED ACCESS PREVENTS INJURY, INC.  
3 5150 FAIR OAKS BLVD., SUITE 101  
4 PMB #253  
CARMICHAEL, CA 95608-5758  
TELEPHONE (916) 485-3516  
FAX (916) 481-4224  
E-MAIL scottnjohnson@comcast.net

5 Attorney for Plaintiff Scott N. Johnson

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

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10 Scott N. Johnson,

Case No.: CIV.S 10-02111-FCD-KJM

11 Plaintiff,

12 vs.  
13

**REQUEST RE DISMISSAL OF DAVID  
HESS; LINDA HESS; ORDER**

14 Rigoberto's Taco Shop, et al,  
15

16 Defendants.  
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**CASE TO REMAIN OPEN WITH  
REMAINING DEFENDANTS**

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19 **IT IS HEREBY REQUESTED** by Plaintiff, Scott N. Johnson, that Defendants (David  
20 Hess; Linda Hess) be and are hereby dismissed **WITHOUT PREJUDICE** pursuant to FRCP 41  
21 (a)(2). This case is to remain open with remaining Defendants. Defendants (David Hess; Linda  
22 Hess) are dismissed because these Defendants are not proper parties to this action.

23 Dated: October 5, 2010

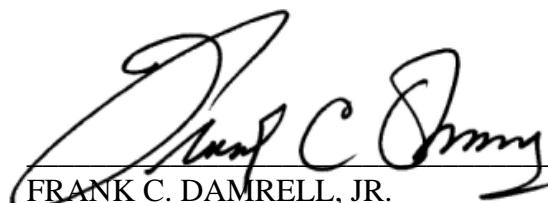
24 /s/Scott N. Johnson

25 SCOTT N. JOHNSON  
Attorney for Plaintiff

26 **IT IS SO ORDERED.**

27 Dated: October 6, 2010

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FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE