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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY FARR,
Plaintiff,
v.
FEDEX OFFICE AND PRINT
SERVICES, INC.,
Defendant.

No. 2:12-cv-1548 TLN DAD PS

ORDER

This matter came before the court on October 11, 2013, for hearing of defendant's motion for summary judgment. Plaintiff Gregory Farr appeared on his own behalf. Joel Van Parys, Esq., appeared on behalf of defendant FedEx Office and Print Services, Inc.

At the October 11, 2013 hearing, during a discussion of plaintiff's failure to comply with the court's July 15, 2013 order and failure to oppose defendant's motion for summary judgment, plaintiff requested that this action be voluntarily dismissed without prejudice. Defendant had no objection to plaintiff's request.

Accordingly, upon consideration of the parties' arguments on file and at the hearing, and for the reasons set forth in detail on the record, IT IS HEREBY ORDERED that:

1. Defendant's June 27, 2013 motion for summary judgment (Doc. No. 27) is denied, without prejudice to renewal, as moot;

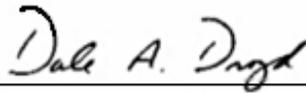
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2. Plaintiff shall file a notice of voluntary dismissal within seven days of the date of this order; and

3. Failure to file a timely notice of voluntary dismissal will result in the undersigned issuing Findings and Recommendations recommending that this action be dismissed due to plaintiff's failure to prosecute this action and to comply with the court's orders and the Local Rules.

Dated: October 15, 2013



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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