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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA
13

14 ROBERT I. WADE, PRO SE LITIGANT,

15 Plaintiff,

16 v.

17 OFFICE OF COMPTROLLER &
18 CURRENCY, WELLS FARGO, N.A.,

19 Defendant.

Case No. 2:13-CV-00758-KJM-AC

STIPULATION FOR DISMISSAL OF
DEFENDANT OFFICE OF COMPTROLLER &
CURRENCY; ORDER
(Fed. R. Civ. P. 41(a)(2))

20 Plaintiff Robert I. Wade, *in pro se*, and the United States of America on behalf of its agency
21 defendant Office of Comptroller and Currency (“OCC”), through its undersigned counsel, hereby agree
22 and STIPULATE as follows:

23 1. This case shall be dismissed with prejudice against defendant OCC pursuant to Rule 41(a)(2)
24 of the Federal Rules of Civil Procedure, subject to the Court’s approval;

25 2. Each party to this stipulation shall bear its own attorney’s fees and costs of suit herein; and

26 3. The case shall proceed forward with the remaining defendant(s).

27 IT IS SO STIPULATED.

28 ///

1 DATED: August 26, 2013

/s/ Robert I. Wade
ROBERT I. WADE
Plaintiff, *In Pro Se*

4 DATED: August 29, 2013

BENJAMIN B. WAGNER
United States Attorney

/s/ Bobbie J. Montoya
BOBBIE J. MONTOYA
Assistant United States Attorney

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12 **ORDER**

13 On review, IT IS HEREBY ORDERED that:

- 14 1. The foregoing stipulation is hereby approved;
15 2. OCC's August 16, 2013 motion to dismiss (ECF No. 25) is denied as moot; and
16 3. The September 25, 2013 hearing on OCC's motion to dismiss is vacated from calendar.

17 DATED: August 29, 2013

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19 ALLISON CLAIRE
20 UNITED STATES MAGISTRATE JUDGE

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