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

RUSSELL TRUNZO,

Petitioner,

No. C 05-00734 JSW

v.

ORDER ON REMAND

ROBERT L. AYERS, et al.,

Respondents.

On January 23, 2009, the United States Court of Appeals granted Respondents' motion for voluntary dismissal of the appeal, on the basis that it was moot. As part of that Order, the Ninth Circuit vacated this Court's opinion and remanded with instructions to dismiss.

On February 24, 2009, the Court received the Ninth Circuit's mandate. Accordingly, pursuant to the Ninth Circuit's instructions, the Court's opinion dated March 13, 2008, is vacated and this matter is dismissed.

IT IS SO ORDERED.

Dated: February 25, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE