

United States District Court  
For the Northern District of California

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

OTIS THOMAS,

No. C 06-3581 MMC

Plaintiff,

**ORDER OF DISMISSAL**

v.

M.S. EVANS, Warden, et al.,

Defendants.

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The parties having advised the Court that they have agreed to a settlement of the above-titled action,

IT IS HEREBY ORDERED that plaintiff's claims be dismissed without prejudice; provided, however, that if any party hereto shall certify to this Court, within ninety days, with proof of service of a copy thereon on opposing counsel, that the agreed consideration for the settlement has not been delivered, the foregoing order shall stand vacated and the action shall forthwith be restored to the calendar for further proceedings as appropriate.

**IT IS SO ORDERED.**

Dated: June 13, 2012

  
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MAKINE M. CHESNEY  
United States District Judge