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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

LONNEL B. WORTHY )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 LIBRARY OF CONGRESS COPYRIGHT )  
 OFFICE, )  
 )  
 )  
 Defendant. )

No. C 07-5736 CRB

**[PROPOSED] DISMISSAL ORDER**

The federal defendant, not having been properly served and appearing specially, has moved to dismiss this action pursuant to FRCP 12(b)(1) for lack of subject matter jurisdiction and pursuant to FRCP 12(b)(6) for failure to state a claim upon which relief can be granted.

This matter having come before the Court on the federal defendant’s motion to dismiss, and good cause appearing, the court finds that plaintiff has not alleged a waiver of sovereign immunity that would allow him to sue the federal government. The court further finds that plaintiff has failed to allege any facts showing that he is or could be entitled to relief.

The court therefore grants the federal defendant’s motion to dismiss pursuant to FRCP 12(b)(1) and FRCP 12(b)(6). This dismissal is without prejudice to allow plaintiff to file and

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1 serve an amended complaint within 30 days of this order.

2 IT IS SO ORDERED.

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4 DATED:

\_\_\_\_\_  
CHARLES R. BREYER  
United States District Judge

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**CERTIFICATE OF SERVICE**

**Worthy v. Library of Congress Copyright Office**  
**C 07-5736 CRB**

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

**Proposed Dismissal Order**

to be served this date upon the party in this action by placing a true copy thereof in a sealed envelope, and served as follows:

- FIRST CLASS MAIL by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.
- CERTIFIED MAIL (# ) by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.
- PERSONAL SERVICE (BY MESSENGER)
- FEDERAL EXPRESS via Priority Overnight
- EMAIL
- FACSIMILE (FAX)

to the party(ies) addressed as follows:

Lonnell B. Worthy, Pro Se  
7401 Arthur Street  
Oakland, CA 94605  
PH: 415.410.6659    FX: 510.430.8952  
Email:

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this November 16, 2007 at San Francisco, California.

\_\_\_\_\_  
/s/  
LILY HO-VUONG  
Legal Assistant