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8 Attorneys for Defendants

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12 BABY LYN C. ABAD,
 13 ANGELITO R. CRUZ,

Plaintiffs,

v.

15 MICHAEL MUKASEY, Attorney General,
 16 Department of Justice; MICHAEL CHERTOFF,
 Secretary of Department of Homeland Security;
 17 DAVID STILL, District Director of the United
 States Citizenship and Immigration Services,
 18 San Francisco District Office; and the UNITED
 STATES CITIZENSHIP and IMMIGRATION
 19 SERVICES,

Defendants.

No. C 08-4758 EMC

**STIPULATION TO DISMISS AND
 [PROPOSED] ORDER**

22 Plaintiff, by and through his attorney of record, and Defendants by and through their attorney
 23 of record, hereby stipulate, subject to the approval of the Court, to dismissal of the action without
 24 prejudice.

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 26 ///
 27 ///

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Stipulation to Dismiss
 C08-4758 EMC

Each of the parties shall bear their own costs and fees.

Date: February 3, 2009

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

ILA C. DEISS
Assistant United States Attorney
Attorneys for Defendants

Date: February __, 2009

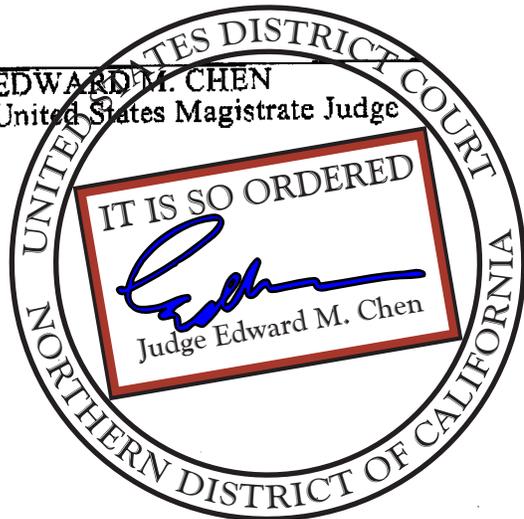
DENNIS F. CHUA
Attorney for Plaintiffs

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Date: February 6, 2009

EDWARD M. CHEN
United States Magistrate Judge



I, Ila Deiss, hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

Stipulation to Dismiss

C08-4758 EMC