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

DAVID GENE LANCASTER,

Plaintiff.

v.

DR. AUNG, et al.,

Defendants.

) No. C 09-3230 MMC (PR)

) **ORDER GRANTING PLAINTIFF'S**
) **MOTION TO DISMISS**
) **DEFENDANT D. DECKER;**
) **DIRECTIONS TO CLERK**

) **(Docket No. 18)**

On July 15, 2009, plaintiff, a California prisoner incarcerated at the Correctional Training Facility at Soledad ("CTF"), and proceeding pro se, filed the above-titled civil rights action pursuant to 42 U.S.C. § 1983, claiming deliberate indifference to his serious medical needs by CTF prison officials in 2007. On June 14, 2011, the Court found defendant D. Decker ("Decker") had not been properly served and directed plaintiff, by July 20, 2011, to provide the Court with proof of service on Decker or a declaration setting forth a current address at which the Marshal is able to serve Decker.

On July 13, 2011, plaintiff filed a motion to dismiss Decker, on the ground that said defendant could not be located. Defendants have filed a notice of non-opposition to the motion to dismiss. Accordingly, plaintiff's motion to dismiss D. Decker from the above-titled action is hereby GRANTED, and the action as against said defendant is hereby


1 DISMISSED without prejudice.

2 The Clerk shall terminate D. Decker as a defendant on the court docket.

3 This order terminates Docket No. 18

4 IT IS SO ORDERED.

5 DATED: September 14, 2011

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7 MAXINE M. CHESNEY
8 United States District Judge
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