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E-Filed 11/15/11

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID ARTHUR DAILEY,

No. C 11-02486 RS

Plaintiff,

**ORDER GRANTING PLAINTIFF'S
MOTION TO DISMISS WITHOUT
PREJUDICE**

v.

CALIFORNIA DEPARTMENT OF PUBLIC
HEALTH,

Defendant.

On November 9, 2011, plaintiff voluntarily requested the above-captioned case be closed. Because defendants have not yet served an answer or filed a motion for summary judgment, under Federal Rule of Civil Procedure 41(a)(1), the dismissal is without prejudice.

IT IS SO ORDERED.

Dated: 11/15/11



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE