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

BOARD OF TRUSTEES FOR THE  
CEMENT MASONS HEALTH AND  
WELFARE TRUST FUND FOR  
NORTHERN CALIFORNIA,

No. C 12-03206 WHA

Plaintiff,

**NOTICE REGARDING  
REQUEST FOR DISMISSAL  
WITH PREJUDICE**

v.

JOSE TINOCO, an individual; LETICIA  
MEDINA, an individual,

Defendants.

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Last month, plaintiff filed a request for voluntary dismissal *without prejudice*. That request was granted. Although plaintiff's filing was not captioned as a Rule 41(a)(1) dismissal, it had that effect because it was made prior to an answer or a motion for summary judgment. *See Commercial Space Management Co., Inc. v. Boeing Co., Inc.*, 193 F.3d 1074, 1076 (9th Cir. 1999). Now, plaintiff requests a dismissal *with prejudice*. This request, however, cannot be granted because plaintiff's Rule 41(a)(1) dismissal terminated jurisdiction and this Court cannot alter "the terms and conditions of the dismissal." *Ibid*.

Dated: October 23, 2012.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE