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2
3 IN THE UNITED STATES DISTRICT COURT
4
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6

7 UNITED STATES OF AMERICA,
8
9 Plaintiff,

No. C 12-04416 WHA

10 v.

**ORDER RE CITI ALLIANCE
TELECARD, INC.'S STATEMENT**

11 \$237,632.29 In Funds Seized From Bank of
12 America Acct #XXXXXX52266 and
13 \$60,435.65 In Funds Seized From
14 JPMorgan Chase Acct #XXXXX26654,
15
16 Defendants.
17 _____/

18 The Court has received Citi Alliance Telecard, Inc.'s "separate case management
19 statement" contesting the government's unilateral dismissal of this action on or around
20 September 25, 2012 (Dkt. Nos. 14 and 17). The government's notice of withdrawal of its
21 proposed order of voluntary dismissal states that no answer was filed until September 25 (Dkt.
22 No. 17). The government filed its original notice of dismissal on September 24. Thus, the
23 government states that it may voluntarily dismiss an action pursuant to FRCP 41(a)(1) without
24 court order. Citi Alliance Telecard contends that the government may not unilaterally dismiss
25 the action, and states that it "will shortly file a motion addressing this point." Citi Alliance
26 Telecard may file such motion on a 35-day track pursuant to the Local Rules. The motion must
27 be filed by **NOON ON OCTOBER 8, 2012**. The case management conference, previously
28 scheduled for October 4, shall remain off calendar.

IT IS SO ORDERED.

Dated: October 3, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE