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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 STEPHEN DUANE CHIARA,)
9 Plaintiff(s),) No. C 12-6142 CRB (PR)
10 v.) ORDER OF DISMISSAL
11 M. GRATZ, Sgt., et al.,) (Docket #6 & 7)
12 Defendant(s).)
13

14 In response to defendants' motion for summary judgment, plaintiff has
15 filed a letter requesting that the court "drop this case." Docket #7 at 1.

16 The court construes plaintiff's letter as a request for voluntary dismissal
17 under Federal Rule of Civil Procedure 41(a)(2) and, after due consideration,
18 grants the request for dismissal without prejudice. See Hamilton v. Firestone
19 Tire & Rubber Co., 679 F.2d 143, 145 (9th Cir. 1982) (when request for
20 dismissal is filed after answer or motion for summary judgment, court must
21 exercise its discretion to determine whether to allow dismissal and, if so, whether
22 the dismissal should be with or without prejudice).

23 The clerk is instructed to enter judgment in accordance with this order,
24 terminate all pending motions as moot and close the file.

25 SO ORDERED.

26 DATED: July 30, 2013

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28 CHARLES R. BREYER
United States District Judge