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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAMUEL LOVE,  
Plaintiff,  
v.  
PHUNG T. TRINH, et al.,  
Defendants.

Case No. [19-cv-01314-JD](#)

**ORDER CONDITIONALLY  
DISMISSING CASE**

The Court is advised that the parties have settled. Dkt. No. 42. Consequently, the Court vacates all pretrial deadlines and dismisses this case without prejudice. If any party certifies to the Court within **60 days** from the date of this order that the agreed consideration for the settlement of this action has not been delivered, this order will be vacated and the case will be set for a case management conference. If no certification is filed, the dismissal will be deemed to be **with prejudice** after the 60 days.

The parties are directed not to ask the Court for a “dismissal with prejudice” at any time after this order, or to ask for an order confirming dismissal under FRCP 41(a)(1). No Court order is necessary for dismissal under that rule.

**IT IS SO ORDERED.**

Dated: October 8, 2019

  
\_\_\_\_\_  
JAMES DONATO  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 SAMUEL LOVE,  
4 Plaintiff,  
5 v.  
6 PHUNG T. TRINH, et al.,  
7 Defendants.  
8

Case No. [19-cv-01314-JD](#)

**CERTIFICATE OF SERVICE**

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
10 District Court, Northern District of California.

11  
12 That on October 8, 2019, I SERVED a true and correct copy(ies) of the attached, by  
13 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.  
16

17 Antonio Pelayo  
18 215 Lorraine Blvd.  
19 San Leandro, CA 94577

20 Phung T. Trinh  
21 508 Larkin Street  
22 #508  
23 San Francisco, CA 94102

24 Dated: October 8, 2019

25 Susan Y. Soong  
26 Clerk, United States District Court

27 By:   
28 LISA R. CLARK, Deputy Clerk to the  
Honorable JAMES DONATO