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8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

12 **KYLE WHELAN AVERY,**
 13
 Plaintiff,
 14
 v.
 15
 16 **CHACON, et al.,**
 17 Defendants.

C 03-4233 RMW

**STIPULATION AND ~~PROPOSED~~
 ORDER FOR VOLUNTARY DISMISSAL
 WITH PREJUDICE**

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IT IS STIPULATED that, under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the above entitled action shall be dismissed with prejudice.

Dated: November 14, 2013 /s/ Lori Rifkin
LORI RIFKIN
Attorney for Plaintiff Avery

Dated: November 14, 2013 /s/ Michael J. Quinn
MICHAEL J. QUINN
Deputy Attorney General
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