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3		E-FILED on 12/10/2008	
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6	IN THE UNITED STATES DISTRICT COURT		
7	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
8	SAN JOSE DIVISION		
9			
10	BRENDA DAVIS,	No. C-08-00769 RMW	
11	Plaintiff,		
12	v.	ORDER GRANTING MOTION FOR VOLUNTARY DISMISSAL WITHOUT	
13	EASTFIELD MING QUONG, INC., and Does	PREJUDICE	
14	One through Ten,	[Re Docket No. 27]	
15	Defendants.		
16			
17	By stipulation, plaintiff Brenda Davis has filed a first amended complaint omitting any		
18	federal claims. There being no diversity jurisdiction, the only basis for continuing this case in		
19	federal court is the court's voluntary exercise of supplemental jurisdiction. See 28 U.S.C. § 1367.		
20	Davis now moves to voluntarily dismiss her case without prejudice to permit her to advance		
21	her claims as part of a class in a state court action. Defendant Eastfield Ming Quong, Inc. has filed a		
22	statement of non-opposition. Docket No. 31 (Oct. 31, 2008). Accordingly, the court grants the		
23	motion to dismiss pursuant to 28 U.S.C. § 1367(c)	without prejudice. The clerk shall close the file.	
24			
25	DATED: 12/10/2008	Konald M. Whyte	
26	12/10/2000	RONALD M. WHYTE United States District Judge	
27		Smiled States District stage	
28			
	ORDER GRANTING MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE No. C-08-00769 RMW TSF		

1	Notice of this document has been electronically sent to:		
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5	Margaret Hart Edwards	MHEdwards@littler.com	
6			
7	registered for e-filing under the court's CM/ECF program.		
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9	Dated: 12/10/2008	TSF	
10		Chambers of Judge Whyte	
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	ORDER GRANTING MOTION FO No. C-08-00769 RMW TSF	OR VOLUNTARY DISMISSAL WITHOUT PREJUDICE	