

United States District Court
For the Northern District of California

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E-FILED on 12/10/2008

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

BRENDA DAVIS,
Plaintiff,
v.
EASTFIELD MING QUONG, INC., and Does
One through Ten,
Defendants.

No. C-08-00769 RMW

ORDER GRANTING MOTION FOR
VOLUNTARY DISMISSAL WITHOUT
PREJUDICE

[Re Docket No. 27]

By stipulation, plaintiff Brenda Davis has filed a first amended complaint omitting any federal claims. There being no diversity jurisdiction, the only basis for continuing this case in federal court is the court's voluntary exercise of supplemental jurisdiction. *See* 28 U.S.C. § 1367.

Davis now moves to voluntarily dismiss her case without prejudice to permit her to advance her claims as part of a class in a state court action. Defendant Eastfield Ming Quong, Inc. has filed a statement of non-opposition. Docket No. 31 (Oct. 31, 2008). Accordingly, the court grants the motion to dismiss pursuant to 28 U.S.C. § 1367(c) without prejudice. The clerk shall close the file.

DATED: 12/10/2008



RONALD M. WHYTE
United States District Judge

