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**\*E-FILED 5/6/2009\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

PIOTR J. GARDIAS,

No. C08-05498 HRL

Plaintiff,

**ORDER RE PLAINTIFF'S MAY 1, 2009  
NOTICE**

v.

THE CALIFORNIA STATE UNIVERSITY,  
SAN JOSE STATE UNIVERSITY,

Defendant.

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The court has received a document filed by plaintiff on May 1, 2009 in which he “asks Clerk to remove plaintiff’s complaint Case No. C08-05498 HRL.” (Docket No. 25). Although it is not crystal clear what plaintiff intends, it appears that this document is meant to be a notice of voluntary dismissal. He is within his rights to do so. See Fed.R.Civ.P. 41(a)(1). This court believes that plaintiff would like to voluntarily dismiss this lawsuit without prejudice – i.e., the matter will be over, all scheduled appearances and hearings will be vacated, the court’s file will be closed, and the case will be terminated.

However, if this is not what plaintiff intends, then **no later than June 5, 2009**, he shall so advise this court in writing (with a copy served on defendant). If the court does not hear from plaintiff by the June 5, 2009 deadline, it will (a) assume that plaintiff’s silence means that he intends to have this case dismissed and (b) direct the Clerk of the Court to terminate this

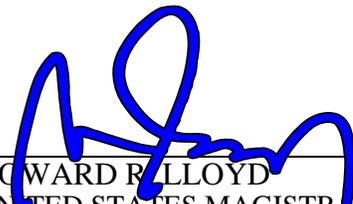
**United States District Court**  
For the Northern District of California

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lawsuit and close the file.

SO ORDERED.

Dated: May 6, 2009



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HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

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**5:08-cv-5498 Notice electronically mailed to:**

Mary Susan Cain-Simon Mary.CainSimon@doj.ca.gov, Leticia.MartinezCarter@doj.ca.gov

**Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court's CM/ECF program.**

**5:08-cv-5498 Notice mailed to:**

Piotr J. Gardias  
72 Floyd St.  
San Jose, CA 95110