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**** E-filed February 17, 2011 ****

NOT FOR CITATION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

BRET LAWRENCE, et al.,

No. C10-02839 HRL

Plaintiffs,

**ORDER DIRECTING CLERK TO
CLOSE FILE**

v.

MITCHEL H. CAPLAN, et al.,

[Re: Docket Nos. 28]

Defendants.

On January 19, 2011, this Court granted Defendants' motion to dismiss Plaintiffs' first amended complaint. Docket No. 27. Plaintiffs' federal claims were dismissed without prejudice and the Court declined to exercise supplemental jurisdiction over Plaintiffs' state claims at that time. Id. Plaintiffs were given leave to file a second amended complaint within fourteen days of the date of the order, or by February 2, 2011. Id.

Plaintiffs have not filed a second amended complaint. In fact, in their Joint Case Management Statement, the parties request that this action be closed. Docket No. 28. The Court will treat the parties' request as a voluntary dismissal under Federal Rule of Civil Procedure 41(a). The Clerk of the Court shall close the file.

IT IS SO ORDERED.

Dated: February 17, 2011



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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5 **Counsel are responsible for distributing copies of this document to co-counsel who have not
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