

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Case No. 10-cv-2878-MSK-BNB

GARY D. FIELDER,

Plaintiff,

v.

JANET NAPOLITANO, in her official capacity  
as Secretary of Homeland Security,

UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY, an agency of  
UNITED STATES OF AMERICA,

JOHN PISTOLE, in his official capacity as  
Administrator of Transportation Security  
Administration, and

TRANSPORTATION SECURITY  
ADMINISTRATION, an agency of  
UNITED STATES OF AMERICA,

Defendants.

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**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION TO DISMISS**

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Defendants are in receipt of Plaintiff's Unopposed Motion to Dismiss Without Prejudice, and respond that, while they were not consulted about the motion prior to its filing, they have no objection to Plaintiff's motion. Specifically, Defendants note that Plaintiff would be entitled to voluntarily dismiss his action under Fed. R. Civ. P. 41(a)(1)(A) without a court order, because the defendants have neither answered nor moved for summary judgment in this case to date.

Dated: April 8, 2011

Respectfully submitted,

TONY WEST  
Assistant Attorney General

JOHN F. WALSH  
United States Attorney

SANDRA M. SCHRAIBMAN  
Assistant Branch Director  
Civil Division, Federal Program Branch

/s/ Tamara L. Ulrich  
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification to Plaintiff of such filing to the following e-mail addresses:

criminaldefense@fielderlaw.net  
garyfielder@earthlink.net

*/s/ Tamara L. Ulrich* \_\_\_\_\_  
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