

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

| | | |
|----------------------------------|---|---------------------------|
| _____ |) | |
| KANAKA INDUSTRIAL PROJECTS, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Civ. No. 11-00553 ACK-KSC |
| |) | |
| GOLDEN STATE BIOFUELS, LLC, |) | |
| et al. |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

ORDER DEEMING WITHDRAWN PLAINTIFF'S NOTICE OF DISMISSAL

On December 7, 2011, Plaintiff filed a Notice of Dismissal and Request for Approval of Dismissal and of Form of Notice. (ECF No. 21.) On December 14, the Court filed an order denying that request, outlining the requirements for voluntary dismissal of derivative actions under Federal Rule of Civil Procedure 23.1(c), and directing Plaintiff to file, for the Court's approval, a proposed notice of voluntary dismissal in keeping with the described requirements. (ECF No. 25.)

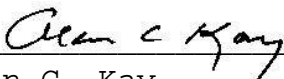
On January 1, Plaintiff filed a second Notice of Dismissal. (ECF No. 27.) The second notice fails to comply with the Court's December 14 order. Accordingly, it is DEEMED WITHDRAWN. Plaintiff is DIRECTED to comply with the Court's December 14 order by filing a proposed notice of voluntary

dismissal in accordance with that order by January 13, 2012, as originally scheduled.

IT IS SO ORDERED.

DATED: Honolulu, Hawai'i, January 5, 2012.





Alan C. Kay
Sr. United States District Judge

Kanaka Indus. Projects, LLC v. Golden State Biofuels, LLC, Civ. No. 11-00553
ACK-KSC: Order Deeming Withdrawn Plaintiff's Notice of Dismissal