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5  
 6 IN THE UNITED STATES DISTRICT COURT  
 7 FOR THE DISTRICT OF NEVADA

8 THOMAS G. SMITTLE  
 9 Plaintiff(s),

CASE NO.: 2:08-cv-00787-GMN-LRL

10 vs.

**STIPULATION AND ORDER TO  
 DISMISS WITHOUT PREJUDICE**

11 NEVADA DEPARTMENT OF CORRECTIONS;  
 12 WARDEN BRIAN WILLIAMS,  
 13 Defendant(s).

14 IT IS HEREBY STIPULATED by and between TIMOTHY ANDREWS, Deputy  
 15 Attorney General for the Defendants herein, and JULIE CAVANAUGH-BILL, attorney for the  
 16 Plaintiff herein, that the above-referenced proceeding be dismissed without prejudice. This  
 17 stipulation is made due to the fact that the relief sought in this action is now moot as applies to the  
 18 Petitioner individually as he is no longer incarcerated. Wherefore the parties agree as follows:

- 19 1. The above-entitled action shall be dismissed without prejudice; and
- 20 2. The parties shall bear their own attorney fees and costs.

21  
 22 SO STIPULATED this \_\_ 4<sup>th</sup> day of \_\_ August \_\_\_\_\_, 2011.

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OFFICE OF THE ATTORNEY GENERAL  
 Grant Sawyer Bldg.  
 555 E. Washington Ave., Ste 3900  
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26  
 27 By: /s/ Julie Cavanaugh-Bill  
 Julie Cavanaugh-Bill  
 Attorney & Counselor at Law  
 Nevada Bar No. 11533

By: /s/Timothy F. Andrews  
 Timothy F. Andrews  
 Senior Deputy Attorney General  
 Nevada Bar No. 8759

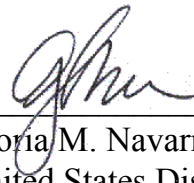
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**ORDER TO DISMISS WITHOUT PREJUDICE**

Upon Stipulation by counsel for the parties hereto, and with good cause appearing:

IT IS HEREBY ORDERED that the above-referenced matter is dismissed without prejudice.

**DATED** this 5th day of August, 2011.



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Gloria M. Navarro  
United States District Judge