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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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HERBERT E. KNUDSON,  
Plaintiff,  
vs.  
AMALGAMATED  
TRANSPORTATION UNION LOCAL  
1637; RICK VALERO,  
Defendants.

2:10-CV-00130-PMP-RJJ

**ORDER**

Before the Court for consideration is Defendant’s Motion to Dismiss (Doc. #21), filed on October 20, 2010, and Plaintiff’s Motion for Writ of Execution (Doc. #24) filed November 3, 2010. The Court finds that Defendant’s fully briefed Motion to Dismiss (Doc. #21) should be granted for the reasons set forth therein, and that Plaintiff’s Motion for Writ of Execution (Doc. #24) should be denied.

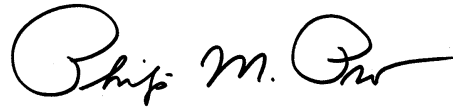
Specifically, the Court finds Plaintiff’s Complaint must be dismissed because it was not commenced within 90 days of obtaining the right-to-sue notice from the Equal Employment Opportunity Commission and is thus time-barred. Additionally, Plaintiff’s Complaint fails to establish that ATU Local 1637 is a proper Defendant or that Defendant ATU Local 1637 violated rights secured to Plaintiff under the Constitution of the United States.

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1                   **IT IS THEREFORE ORDERED** that Defendant's Motion to Dismiss  
2 (Doc. #21) is **GRANTED**.

3                   **IT IS FURTHER ORDERED** that Plaintiff's Motion for Writ of  
4 Execution (Doc. #24) is **DENIED**.

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6 DATED: November 16, 2010.

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PHILIP M. PRO  
United States District Judge

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