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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAMES BOONE, et al.,

Plaintiffs,

v.

THE LAS VEGAS METROPOLITAN
POLICE DEPARTMENT, et al.,

Defendants.

2:10-CV-759 JCM (PAL)

ORDER

Presently before the court is defendant City of Las Vegas’ motion to dismiss. (Doc. #19). Plaintiffs James Boone, Dorothy Boone, and Michelle Boone did not file an opposition.

In the present motion to dismiss (doc. #19), defendant asserts that the action should be dismissed because the City of Las Vegas is not responsible for the actions of Metro employees. After the filing of the motion (doc. #19), plaintiffs and defendant filed a stipulation (doc. #21) with the court voluntarily dismissing defendant City of Las Vegas pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii). The court entered an order (doc. #22) granting the voluntary dismissal on July 12, 2010.

As defendant City of Las Vegas has been dismissed, the present motion to dismiss (doc. #19) is moot.


Accordingly,

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IT IS HEREBY ORDERED ADJUDGED AND DECREED that defendant City of Las Vegas' motion to dismiss (doc. #19) be, and the same hereby is, DENIED as moot.

DATED January 31, 2011.


UNITED STATES DISTRICT JUDGE