UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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JOEY KADMIRI, Plaintiff, v. JASON RICH, and JOHN HOFFMAN, Defendants.	Case No. 2:11-CV-00857-MMD-PAL ORDER (Defendants' Motion to Dismiss – dkt. no. 29)

The Court granted Defendants' motion to dismiss based on Plaintiff's failure to respond under Local Rule 7-2(d) and based on the merits of the motion. (dkt. no. 26.) Defendants subsequently filed another motion to dismiss. (dkt. no. 29.) The Court now addresses this second motion to dismiss.

In its motion, Defendants suggest that Plaintiff apparently no longer receives mail at the address on file with the court because service of a demand for jury trial by mail to Plaintiff was returned before the Court's issuance of the Order on Defendants' first motion to dismiss. Defendants move for dismissal based on Plaintiff's failure to prosecute his claims. However, the Court granted dismissal based on the merits. (*See* dkt. no. 26.) While Defendants' motion to dismiss offers an additional argument for dismissal, such additional ground is unnecessary.

IT IS THEREFORE ORDERED that Defendants' motion to dismiss (dkt. no. 29) is denied as moot.

DATED THIS 8th day of August, 2012.

UNITED STATES DISTRICT JUDGE

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