

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN DOE,

Plaintiff,

v.

No. CV-08-1041 MCA LFG

CITY OF ALBUQUERQUE

Defendant.

STIPULATION OF DISMISSAL OF COUNTS III AND VII WITH PREJUDICE

Pursuant to Fed. R. Civ. Pro. 41(a)(1)(A)(ii), all parties having entered an appearance, herein stipulate and agree to the dismissal with prejudice of the following counts relating to procedural due process contained in the Complaint for Injunctive and Declaratory Relief filed herein:

Count III, Violations of rights secured by the Fourteenth Amendment to the United States Constitution. Procedural Due Process.

Count VII, Violations of rights secured by Article II, Section Eighteen of the New Mexico Constitution. Procedural Due Process.

The Plaintiff continues to assert all remaining allegations and counts in the Complaint. Each party shall bear their own costs related to Counts III and VII.

Respectfully submitted:

ACLU of NEW MEXICO

/s/ Brendan Egan 4/10/2009

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