

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DAVID F. EVANS, et al.,

Plaintiffs,

v.

CITY OF DURHAM, N.C., et al.,

Defendants.

Case No. 1:07CV739

**NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE  
OF DEFENDANT STEPHEN MIHAICH**

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiffs David F. Evans, Collin Finnerty, and Reade Seligmann, by undersigned counsel, hereby dismiss Defendant Stephen Mihaich voluntarily and without prejudice from the above-captioned civil action.

Major Mihaich was named as a defendant in the initial Complaint that was filed on October 5, 2007. Plaintiffs elected not to name him as a defendant in the First Amended Complaint that was filed on December 11, 2007, and by the filing of this Notice voluntarily dismiss him without prejudice from this action.

Dated: January 14, 2008

Respectfully submitted,

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to be filed forthwith)

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Case No. 1:07CV739

**CERTIFICATE OF SERVICE**

I hereby certify that on January 14, 2008 I electronically filed the foregoing **NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF DEFENDANT MIHAICH** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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I further certify that I caused the foregoing document to be served by first-class mail,  
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