| Busselman v | Battelle Memoria | al Institute |
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1 FILED IN THE U.S. DISTRICT COURT EASTERN DISTRICT OF WASHINGTON 2 Jul 27. 2018 UNITED STATES DISTRICT COURT 3 SEAN F. MCAVOY, CLERK EASTERN DISTRICT OF WASHINGTON 4 ALETA BUSSELMAN. 4:18-CV-05072-SMJ No. 5 Plaintiff. **ORDER GRANTING** 6 **DEFENDANT'S UNOPPOSED** v. 7 MOTION TO DISMISS BATTELLE MEMORIAL **COMPLAINT WITHOUT** INSTITUTE. **PREJUDICE** 8 Defendant. 9 10 Before the Court, without oral argument, is Defendant's Motion to Dismiss 11 for Lack of Subject Matter Jurisdiction or, Alternatively, for Failure to State a 12 Claim, ECF No. 10. Defendant seeks to dismiss this case without prejudice, arguing 13 Plaintiff failed to exhaust her administrative remedies. Plaintiff does not oppose the 14 motion, reasoning she corrected any potential defect by filing a new civil action, 15 case number 4:18-cv-05109-SMJ. Having reviewed the pleadings and the file in this 16 matter, the Court is fully informed and finds good cause to grant the motion. 17 Accordingly, IT IS HEREBY ORDERED: 18 Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction 1. 19 or, Alternatively, for Failure to State a Claim, ECF No. 10, is 20 **GRANTED**.

ORDER GRANTING DEFENDANT'S UNOPPOSED MOTION TO DISMISS COMPLAINT WITHOUT PREJUDICE - 1

| 1 | 2. | All claims are DISMISSED WITHOUT PREJUDICE , with all | |
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| 2 | | parties to bear their own costs and fees unless the Court rules otherwise | |
| 3 | | in case number 4:18-cv-05109-SMJ. | |
| 4 | 3. | All pending motions are DENIED AS MOOT . | |
| 5 | 4. | All hearings and other deadlines are STRICKEN. | |
| 6 | 5. | The Clerk's Office is directed to CLOSE this file. | |
| 7 | IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and | | |
| 8 | provide copies to all counsel. | | |
| 9 | DATED this 27th day of July 2018. | | |
| 10 | | au al mentente | |
| 11 | | SALVADOR MENDOZA, JR. United States District Judge | |
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| | | RANTING DEFENDANT'S UNOPPOSED MOTION TO DISMISS NT WITHOUT PREJUDICE - 2 | |