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14 *Counsel for Plaintiff*

15 **IN THE UNITED STATES DISTRICT COURT**
16 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

17 WILDEARTH GUARDIANS,
18 Plaintiff,

19 vs.

20 DAVID BERNHARDT, in his official
21 capacity as U.S. Secretary of the
22 Interior, and UNITED STATES FISH
23 AND WILDLIFE SERVICE,
24 Defendants.

Case No.: 2: 19-cv-07025-JFW-FFM

**VOLUNTARY DISMISSAL
PURSUANT TO FED.R.CIV.P.
41(a)(1)(A)(i)**

Hon. John F. Walter

1 Plaintiffs filed the above-captioned lawsuit against David Bernhardt, in his
2 official capacity as U.S. Secretary of the Interior; and the United States Fish &
3 Wildlife Service, a federal agency, under the Endangered Species Act, 16 U.S.C. §
4 1533 *et seq.*

5 Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff voluntarily dismisses this
6 action. Under this rule, the Plaintiff may dismiss its case “without a court order . . .
7 subject to Rules 23(e), 23.1(c), 23.2 and 66 and any applicable federal statute” if it
8 files “a notice of dismissal before the opposing party serves either an answer or a
9 motion for summary judgment.” *Id.* In this case, Rules 23(e), 23.1(c), 23.2, and 66
10 do not apply, nor are there any other federal statutes that would preclude a
11 voluntary dismissal. Moreover, the Defendants have not yet served an answer or a
12 motion for summary judgment.

13 For the foregoing reasons, the case should be dismissed.

14 Respectfully submitted this 15th day of August 2019.

15
16 /s/ Vanessa Shakib
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CERTIFICATE OF SERVICE

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I hereby certify that on August 15, 2019, I served a true and correct copy of the VOLUNTARY DISMISSAL with the Clerk of the Court using the CM/ECF system.

/s/ Lindsay K. Larris