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19 **UNITED STATES DISTRICT COURT**
 20 **SOUTHERN DISTRICT OF CALIFORNIA**

21 Juan Manuel MONTES BOJORQUEZ,

22 Plaintiff,

23 v.

24 UNITED STATES CUSTOMS AND
25 BORDER PROTECTION, *et al.*,

26 Defendants.

27 Case Nos. 17cv780 GPC (NLS)

28 **JOINT MOTION OF VOLUNTARY
DISMISSAL**

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1 Plaintiff and Defendants (collectively “Parties”), by and through their counsel of
2 record, hereby submit this Joint Motion of Voluntary Dismissal per the following:

3 WHEREAS on April 18, 2017, Plaintiff Juan Manuel MONTES BOJORQUEZ
4 (hereafter “Mr. Montes”) filed a Freedom of Information Act (“FOIA”) complaint in
5 the instant action against Defendants United States Customs and Border Protection and
6 United States Citizen and Immigration Services;

7 WHEREAS on May 22, 2017, Mr. Montes amended his initial FOIA complaint
8 to add additional causes of action under the Due Process Clause of the U.S. Constitution,
9 the Immigration and Nationality Act, and the Administrative Procedure Act;

10 WHEREAS on July 14, 2017, Mr. Montes filed a motion to file certain
11 documents under seal, and Defendants filed a non-opposition to that motion on August
12 8, 2017;

13 WHEREAS on July 17, 2017, Mr. Montes filed a motion for preliminary
14 injunction seeking his return to the United States;

15 WHEREAS on September 8, 2017, the Court issued an order consolidating the
16 motion for preliminary injunction with a trial on the merits pursuant to Federal Rule of
17 Civil Procedure 65(a)(2);

18 WHEREAS on October 5, 2017, Defendants produced supplemental documents
19 responsive to Mr. Montes’s FOIA requests, resolving all claims regarding the FOIA
20 dispute;

21 WHEREAS, Mr. Montes no longer seeks to pursue the remaining claims present
22 before the Court; and

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1 WHEREFORE, pursuant to the agreement of the Parties, the Parties respectfully
2 request that the Court enter an order dismissing the matter without prejudice pursuant
3 to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). The Parties agree to each bear their
4 own fees and costs and that documents filed by Mr. Montes under seal shall remain
5 under seal.

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Dated: October 18, 2017

/s/ Nora A. Preciado
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Attorneys for Defendants

CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures of the United States District Court for the Southern District of California, I certify that the content of this document is acceptable to Defendants' counsel.

/s/ Nora A. Preciado
Counsel for Plaintiff

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the following document has been served on October 18, 2017 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.4:

JOINT MOTION OF VOLUNTARY DISMISSAL

Any other counsel of record will be served by electronic mail, facsimile, and/or overnight delivery.

I declare under penalty of perjury under the laws of United States that the foregoing is true and correct and that this proof of service was executed on October 18, 2017 at Los Angeles, California.

/s/ Nora A. Preciado
Counsel for Plaintiff