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| JOHN W. GILTNER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civ. Action No. 09-0840 (ESH) |
| |) | |
| UNITED STATES DEPARTMENT |) | |
| OF LABOR, |) | |
| |) | |
| Defendant. |) | |
| |) | |

Upon consideration of defendant United States Department of Labor's Motion to Dismiss, memorandum in support thereof, and accompanying documents, the lack of any opposition by plaintiff, and the entire record herein, it is this 25th day of November, 2009, hereby

ORDERED that the above-captioned case is **DISMISSED WITHOUT PREJUDICE**.

Date: November 25, 2009