

FILED

SEP 29 2010

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MATTHEW CATE,

Petitioner,

v.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF  
CALIFORNIA, SAN JOSE,

Respondent,

MICHAEL ANGELO MORALES and  
ALBERT GREENWOOD BROWN,

Real Parties in Interest.

No. 10-72977

ORDER

Before: KLEINFELD, McKEOWN, and FISHER, Circuit Judges.

The State's Motion for Voluntary Dismissal of Petition for Writ of  
Mandamus is granted.