

**No. 12-35453**

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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RICHARD A. LEAVITT,  
Petitioner-Appellant,

vs.

BRENT REINKE, *et al.*,  
Respondent-Appellees.

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Appeal from the United States District Court for the District of Idaho  
The Honorable Edward J. Lodge

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PETITIONER-APPELLANT'S  
MOTION TO DISMISS APPEAL

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Petitioner-Appellant Richard A. Leavitt, by and through his attorneys of record, Oliver W. Loewy and Teresa A. Hampton, hereby moves to dismiss his above-captioned appeal. This motion is brought pursuant to Rule 42 of the Federal Rules of Appellate Procedure.

DATED this 5th day of June, 2012.

Samuel Richard Rubin

/s/

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Oliver W. Loewy  
Teresa A. Hampton  
Attorneys for Plaintiffs

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 5th day of June, 2012, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Krista Howard  
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/s/

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Oliver W. Loewy