

**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

Filed September 29, 2010

Before: Andrew J. Kleinfeld, M. Margaret McKeown, and  
Raymond C. Fisher, Circuit Judges.

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**ORDER**

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