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FILED

MAR 23 2004

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN GILMORE,

No. C 02-3444 SI

Plaintiff,

**ORDER GRANTING MOTIONS TO
DISMISS AND DENYING REQUEST
FOR JUDICIAL NOTICE**

v.

JOHN ASHCROFT, in his official capacity as
Attorney General of the United States; ROBERT
MUELLER, in his official capacity as Director of
the Federal Bureau of Investigation; NORMAN
MINETA, in his official capacity as Secretary of
Transportation; MARION C. BLAKEY, as
Administrator of the Federal Aviation
Administration; Admiral JAMES M. LOY, in his
official capacity as Acting Undersecretary of
Transportation for Security; TOM RIDGE, in his
official capacity as Chief of the Office of
Homeland Security; UAL CORPORATION, aka
UNITED AIRLINES; and DOES I-XXX,

Defendants.

Defendants have moved to dismiss plaintiff's complaint for failure to state a claim upon which relief can be granted. Having carefully considered the arguments of the parties and the papers submitted, the Court GRANTS the motions to dismiss¹ and DENIES plaintiff's request for judicial notice.

¹After the initiation of this action, defendant United Air Lines, Inc. filed for Chapter 11 bankruptcy protection. Thus the claims against it are subject to the automatic stay imposed pursuant to 11 U.S.C. § 362(a). On January 17, 2003, in open court, plaintiff and the remaining defendants agreed to sever the claims against defendant United Air Lines, Inc. from the balance of the complaint. In light of the disposition of the balance of the claims in this case, the severed claims against United will be dismissed without prejudice.