IRIGONEGARAY & ASSOCIATES 1535 S.W. 29th Street Topeka, Kansas 66611-1901 (785) 267-6115 (785) 267-9458 FAX

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

SPECIALIST JEREMY HALL, and MILITARY RELIGIOUS FREEDOM FOUNDATION,

Plaintiffs,

VS.

MAJOR FREDDY J. WELBORN, and UNITED STATES DEPARTMENT OF DEFENSE

SECRETARY ROBERT GATES,

Defendants.

Case No. 08-2098

## NOTICE OF VOLUNTARY DISMISSAL

Come now plaintiffs, by and through counsel, and hereby give notice of dismissal of this case pursuant to Federal Rule of Civil Procedure 41(a)(1)(i).

Respectfully submitted,

IRIGONEGARAY & ASSOCIATES 1535 S.W. 29th Street Topeka, Kansas 66611-1901 (785) 267-6115

By: <u>/s/Robert V. Eye, #10689</u> Attorney for Plaintiffs 3- 5- 5

## CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2008, I electronically filed the Notice of Voluntary Dismissal with the clerk of the court by using the CM/ECF system which will send a notice of electronic filing to the following: marietta.parker@usdoj.gov, eric.beckenhauer@usdoj.gov, pli@plilaw.com, bob@plilaw.com, erh@irigonegaray.com, and myrna@plilaw.com. I further certify that I mailed the aforesaid document and notice of electronic filing by first class mail to the following non-CM/ECF participants: No one.

/s/Robert V. Eye, #10689