

UNITED STATES COURT OF INTERNATIONAL TRADE

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UNITED STATES OF AMERICA,	:	:
	:	:
Plaintiff,	:	
	:	Before: WALLACH, Judge
v.	:	Court No.: 96-08-01916
	:	
G.Y.C. TRADING, INC. and YOUNG K.	:	
CHOI,	:	
	:	
Defendants.	:	
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ORDER

Plaintiff has filed with this Court its Motion To Dismiss And Motion To Cancel Status Conference ("Plaintiff's Motion"). The Court having reviewed the pleadings and papers on file herein, and good cause appearing therefor, it is hereby

ORDERED that Plaintiff's Motion is denied on the grounds that Plaintiff's Motion "respectfully requests the Court to dismiss this action" pursuant to USCIT R. 41(a)(1)(A). USCIT R. 41(a)(1)(A) does not give the Court the authority to dismiss an action, but places this power solely within the discretion of plaintiffs. In relevant part, USCIT R. 41(a)(1) provides that "an action may be dismissed by the plaintiff without order of court (A) by filing a notice of dismissal which shall be substantially in the form set forth in Form 7 of the Appendix of Forms at any time before service by the adverse party of an answer or motion for summary judgment."

ORDERED that, unless Plaintiff files a proper notice or motion before this Court on or before 5 p.m. Eastern Standard Time on December 6, 1999, the in-court status conference previously scheduled for Wednesday, December 8, 1999, beginning at 11 a.m. Eastern Standard Time, will continue to be held.

Evan J. Wallach, Judge

Dated: November 17, 1999
New York, New York