

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:09-ct-03021-FL**

VICTOR L. MARTIN,	)
	)
Plaintiff,	)
	)
v.	)
	)
ALVIN W. KELLER, SECRETARY OF	)
NORTH CAROLINA DEPARTMENT	)
OF CORRECTION; BOYD BENNETT,	)
DIRECTOR OF NORTH CAROLINA	)
DIVISION OF PRISONS; GERALD	)
BRANKER, ADMINISTRATOR,	)
CENTRAL PRISON; CAPTAIN	)
FREDERICK S. O'NEAL,	)
	)
Defendants.	)
_____	)

**STIPULATION OF DISMISSAL**

COME NOW Plaintiff and Defendants, by and through their respective counsel, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, and hereby stipulate to a dismissal of this action. Said dismissal shall be with prejudice except that it shall be without prejudice as to claims regarding the constitutionality of any subsequently enacted North Carolina Department of Correction Policy, as provided in Paragraph 5 of the settlement agreement that is attached hereto as Exhibit A.

Respectfully submitted this the 8th day of March, 2010.

/s/ Katherine Lewis Parker

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Counsel for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on March 8, 2010, I electronically filed the foregoing Stipulation of Dismissal with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following: J. Philip Allen, attorney for Defendants.

Respectfully submitted,

**s/ Katherine Lewis Parker**

Katherine Lewis Parker

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