

1 ACLU FOUNDATION OF SAN DIEGO &
2 IMPERIAL COUNTIES
3 DAVID BLAIR-LOY (229235)
4 SEAN RIORDAN (255752)
5 P.O. Box 87131
6 San Diego, CA 92138-7131
7 Telephone: (619) 232-2121
8 Facsimile: (619) 232-0036
9 dblairloy@aclusandiego.org

10 Attorneys for Plaintiff

11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 CAROLYN MARTIN,

14 Plaintiff,

15 v.

16 NAVAL CRIMINAL INVESTIGATIVE
17 SERVICE (“NCIS”); MARK D. CLOOKIE,
18 NCIS DIRECTOR; WADE JACOBSON,
19 NCIS ACTING SPECIAL AGENT IN
20 CHARGE, MARINE CORPS WEST FIELD
21 OFFICE; SEAN SULLIVAN, STAFF
22 JUDGE ADVOCATE, MARINE CORPS
23 RECRUIT DEPOT SAN DIEGO; GERALD
24 “JERRY” MARTIN, NCIS SPECIAL
25 AGENT; RAY MABUS, SECRETARY OF
26 THE NAVY; JOHN DOES 1-7,

27 Defendants.

Case No. 10-cv-1879 WQH AJB

**PLAINTIFF’S NOTICE OF
WITHDRAWAL OF MOTION
FOR PRELIMINARY
INJUNCTION**

28 TO THE COURT AND DEFENDANTS AND THEIR COUNSEL:

PLEASE TAKE NOTICE that Plaintiff hereby withdraws her Motion for Preliminary Injunction (Doc. No. 6), without prejudice to re-noting said motion in the future if necessary. Plaintiff withdraws her Motion for Preliminary Injunction based on the letter of government counsel dated November 3, 2010, attached hereto as Exhibit A, stating, “MCRD allows members of the public to access its courtroom for open military hearings. MCRD will allow Ms. Martin

1 this same access and she will be treated the same as any other member of the public.”

2 If circumstances change, Plaintiff reserves the right to re-note her Motion for Preliminary
3 Injunction. Plaintiff further reserves the right to seek final judgment as may be appropriate on her
4 First Amendment claim regarding access to court at MCRD.

5 Dated: November 4, 2010

Respectfully Submitted,

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s/David Blair-Loy

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David Blair-Loy

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Attorney for Plaintiff

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U.S. Department of Justice

Laura E. Duffy
United States Attorney
Southern District of California

Beth A. Clukey
Assistant United States Attorney

(619) 557-7184
Fax (619) 557-5004

San Diego County Office
Federal Office Building
880 Front Street, Room 6293
San Diego, California 92101-8893

Imperial County Office
516 Industry Way
Suite C
Imperial, California 92251-7501

November 3, 2010

Mr. Sean Riordan
Staff Attorney
American Civil Liberties Union
San Diego and Imperial Counties
P.O. Box 87131
San Diego, CA 92138-7131

Re: Martin v. NCIS, et al.
Case No. 10cv1879-WQH (AJB)

Dear Mr. Riordan:

As I stated to you in our telephonic conversation, MCRD allows members of the public to access its courtroom for open military hearings. MCRD will allow Ms. Martin this same access and she will be treated the same as any other member of the public.

Sincerely,

LAURA E. DUFFY
United States Attorney

/s/ Beth A. Clukey
Beth A. Clukey
Assistant U.S. Attorney
Attorney for Defendants

1 ACLU FOUNDATION OF SAN DIEGO &
 2 IMPERIAL COUNTIES
 3 David Blair-Loy (SBN 229235)
 4 Sean Riordan (SBN 255752)
 5 P.O. Box 87131
 6 San Diego, CA 92138-7131
 7 Tel: (619) 398-398-4485
 8 Fax: (619) 232-0036
 9 dblairloy@aclusandiego.org
 10 sriordan@aclusandiego.org

11 **UNITED STATES DISTRICT COURT**
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13 CAROLYN MARTIN,

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 25 AGENT; JOHN DOES 1-7,

26 Defendants.

Case No. 10-CV-1879 WQH AJB

PROOF OF SERVICE

27 The undersigned hereby certifies that he is an employee for the American Civil Liberties
 28 Union Foundation of San Diego & Imperial Counties, P.O. Box 87131, San Diego, California
 92138-7131; is a person of such age and discretion to be competent to serve papers; and that on
November 4, 2010, he served copies of the following document(s):

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1. PLAINTIFF’S NOTICE OF WITHDRAWAL OF MOTION FOR PRELIMINARY INJUNCTION

2. EXHIBIT A

by transmitting via e-filing the document(s) listed above to the Case Management/ Electronic Case filing system, through which all counsel of record are deemed served.

by transmitting via facsimile the document(s) listed above to the fax number(s) specified on this date before 5:00p.m.

by placing the document(s) listed above in a sealed envelope with certified postage thereon fully prepaid, in the United States mail at San Diego, California addressed as set forth below.

by placing the document(s) listed above in a sealed envelope with postage thereon fully Prepaid, and deposited with UPS Overnight at San Diego, California to the addressee(s) specified hereto.

by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on **November 4, 2010**, at San Diego, California.

s/ David Blair-Loy
David Blair-Loy