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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KYLE DUSTIN FOGGO (1),
aka "Dusty" Foggo,
BRENT ROGER WILKES (2),

Defendants.

Criminal Case No. 07CR0329-LAB

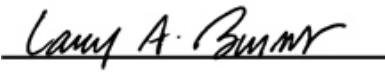
**ORDER DISMISSING WITHOUT
PREJUDICE CHARGES AGAINST
DEFENDANT WILKES AND
TRANSFERRING CASE AGAINST
DEFENDANT FOGGO TO THE EASTERN
DISTRICT OF VIRGINIA**

This matter has come before this Court on defendant Foggo's motion to transfer venue to the Eastern District of Virginia and the government's motion to dismiss without prejudice the charges against defendant Wilkes. Having considered the pleadings and arguments of the parties, the Court hereby orders the following:

- 1. The charges in the indictment and superseding indictment in case 07CR0329-LAB against defendant Wilkes are dismissed without prejudice.
- 2. The case against defendant Foggo is transferred to the Eastern District of Virginia.
- 3. The Clerk of Court shall transfer to the Eastern District of Virginia the files and records of this case.

IT IS SO ORDERED.

DATED: February 19, 2008


HONORABLE LARRY ALAN BURNS
United States District Judge