

FILED

UNITED STATES COURT OF APPEALS

SEP 09 2016

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

TROY BACKUS, on behalf of himself and
all others similarly situated,

Plaintiff-Appellant,

v.

NESTLE USA, INC.,

Defendant-Appellee.

No. 16-15389

D.C. No. 3:15-cv-01963-MMC
Northern District of California,
San Francisco

ORDER

Appellant's motion to dismiss this appeal (Docket Entry No. 17) is granted.

Fed. R. App. P. 42(b).

A copy of this order shall serve as and for the mandate of this court.

FOR THE COURT:

By: Peter W. Sherwood
Circuit Mediator