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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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Mark Lewellyn Lindsey,

No. CV-09-1869-PHX-DGC

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Plaintiff,

ORDER

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vs.

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Peter Michael Williams; Emilie Diane Halladay; Ljubomir Peter Atanasoff; John Robert Walston, Jr.; William Lee Morris, Jr.; and Stephanie A. Stromfors,

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Defendants.

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Plaintiff Mark Lindsey commenced this action by filing a pro se complaint against Defendants on September 9, 2009. Dkt. #1. Defendants Peter Williams and Emilie Halladay have filed a motion to dismiss the complaint for failure to state a claim to relief. Dkt. #25. Because Plaintiff has filed an amended complaint (Dkt. #31), the Court will deny the motion to dismiss the original complaint as moot.

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IT IS ORDERED that Defendants' motion to dismiss (Dkt. #25) is **denied**.

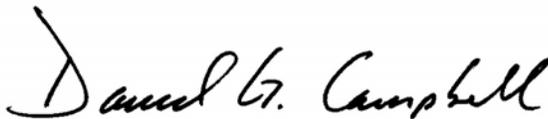
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DATED this 23rd day of March, 2010.

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David G. Campbell
United States District Judge

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