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

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Joshua James Gerst,  
Plaintiff,

No. CV 12-1353-PHX-RCB (JFM)

10

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vs.

**ORDER**

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Joseph M. Arpaio, et al.,  
Defendants.

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Plaintiff Joshua James Gerst, who is confined in the Arizona State Prison Complex-Eyman, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983. In an October 19, 2012 Order, the Court dismissed the Complaint with leave to amend. On November 26, 2012, Plaintiff filed a First Amended Complaint. On December 26, 2012, Plaintiff filed a Motion to Withdraw First Amended Complaint.

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In the Motion to Withdraw, Plaintiff asks the Court “to withdraw his First Amended Complaint filed . . . November 26, 2012 and to take no action on same.” The Court will grant the Motion. As no Complaint now remains before the Court, the Court will also dismiss this action without prejudice.

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**IT IS ORDERED** that Plaintiff's December 26, 2012 Motion to Withdraw First Amended Complaint (Doc. 14) is **granted**. This case is dismissed without prejudice and the Clerk of Court must close the case and enter judgment.

DATED this 13th day of February, 2014.

  
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Robert C. Broomfield  
Senior United States District Judge