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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

ANTONIO CORTEZ BUCKLEY,

Plaintiff,

vs.

A.K. SCRIBNER, et al.,

Defendants.

CASE No. 1:04-cv-05622-LJO-MJS (PC)

ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
REQUEST TO WITHDRAW MOTIONS
FOR TEMPORARY RESTRAINING
ORDER AND EXTENSION OF TIME

(ECF No. 91)

ORDER VACATING FINDINGS AND
RECOMMENDATION DENYING
TEMPORARY RESTRAINING ORDER

(ECF No. 92)

_____ /

Plaintiff Antonio Cortez Buckley is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed on April 26, 2004 pursuant to 42 U.S.C. § 1983. (ECF No. 1.) Plaintiff is proceeding on his First Amended Complaint claim that Defendants Dotson, Parangan, Jarralimillio, Peck, Lerman, and Ocegura violated his First Amendment right to free exercise of religion. (ECF Nos. 29, 48, 51.)

On July 11, 2012, Defendants filed a motion for summary judgment. (ECF No. 78.) On August 30, 2012, Plaintiff filed a motion for extension of time ("EOT") (ECF No. 83) to file opposition to Defendants' motion for summary judgment. On September 4, 2012, Plaintiff filed opposition to the motion for summary judgment. (ECF Nos. 85-

1 89.) Accordingly, on September 4, 2012, the Court denied Plaintiff's motion for EOT
2 as moot. (ECF No. 90.)

3 On September 4, 2012, Plaintiff also filed a motion for order to show cause and
4 temporary restraining order ("TRO") (ECF No. 84) to require corrections staff to provide
5 him access to the Salinas Valley State Prison (SVSP) law library to prepare his
6 opposition to Defendant's motion for summary judgment. On September 7, 2012, the
7 Court issued Findings and a Recommendation (ECF No. 92) that the TRO be denied.

8 On September 7, 2012, Plaintiff filed a request to withdraw (ECF No. 91) both
9 his August 30, 2012 motion for EOT and his September 4, 2012 motion for TRO. The
10 request to withdraw is now before the Court.

11 Accordingly, good cause having been presented to the Court and GOOD
12 CAUSE APPEARING THEREFOR it is hereby ORDERED that:

- 13 1. Plaintiff's motion to withdraw (ECF No. 91) is GRANTED as to the TRO
14 (ECF No. 84), and DENIED as moot as to the EOT motion (ECF No. 83),
15 and
- 16 2. The September 7, 2012 Findings and Recommendation Denying TRO
17 (ECF No. 92) are VACATED.

18
19 IT IS SO ORDERED.

20 Dated: September 17, 2012

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE