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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KELVIN X. SINGLETON,	1:08-cv-00095-AWI-GSA-PC	
Plaintiff,		ORDER GRANTING PLAINTIFF’S MOTION TO WITHDRAW MOTION TO DISMISS (Doc. 61.)
v.		
A. HEDGEPATH, et al.,		ORDER WITHDRAWING MOTION TO DISMISS (Doc. 51.)
Defendants.		ORDER VACATING ORDER REQUIRING DEFENDANTS TO FILE RESPONSE TO MOTION (Doc. 55.)

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Plaintiff Kelvin X. Singleton (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the complaint on January 18, 2008. (Doc. 1.) This case now proceeds on the Second Amended Complaint, filed on February 12, 2009, against defendants CMO A. Youssef, CMO S. Lopez, Dr. J. Akanno, Dr. S. Qamar, Dr. Vasquez, RN II M. Ali, and RN II M. Wright-Pearson (“Defendants”) for deliberate indifference to Plaintiff’s serious medical needs in violation of the Eighth Amendment. (Doc. 26.)

On April 8, 2010, Plaintiff filed a motion to dismiss defendant Dr. J. Akanno from this action. (Doc. 61.) On April 16, 2010, the court issued an order requiring Defendants to file a

1 response to Plaintiff's motion to dismiss within thirty days. (Doc. 55.) On April 29, 2010,
2 Plaintiff filed a motion to withdraw his motion to dismiss. (Doc. 61.)

3 Good cause appearing, Plaintiff's motion to withdraw his motion to dismiss shall be
4 granted. In addition, the court's order of April 16, 2010, requiring Defendants to file a response
5 to the motion to dismiss, shall be vacated.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff's motion to withdraw his motion to dismiss, is GRANTED;
- 8 2. The motion to dismiss defendant Dr. J. Akanno, filed by Plaintiff on April 8,
9 2010, is WITHDRAWN;
- 10 3. The court's order of April 16, 2010, requiring Defendants to file a response to
11 Plaintiff's motion to dismiss, is VACATED.

12
13 IT IS SO ORDERED.

14 Dated: May 4, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE