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

Phillip Dunn,  
Plaintiff,  
vs.  
Matthew Cate, et al.,  
Defendants.


No. CV-08-0873-PHX-NVW

**ORDER**

Plaintiff's Ex Parte Motion to Withdraw Case With Leave to Amend (doc. 62) is not really a motion to dismiss his own case but a motion to vacate the prior discovery and dispositive motion deadlines, now that Defendant has filed a Motion for Summary Judgment, and to start this case over with a new amended complaint. The motion is utterly without justification. All parties have had fair notice to prepare their case, and the opposing party would be prejudiced by allowing Plaintiff to abandon this case and start a new one. The Court's expenditure of substantial resources on this case would be wasted.

IT IS THEREFORE ORDERED that Plaintiff's Ex Parte Motion to Withdraw Case With Leave to Amend (doc. 62) is denied.

DATED this 10<sup>th</sup> day of August, 2010.

  
Neil V. Wake  
United States District Judge