

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERTO A. SOTELO,

CASE NO. 1:08-cv-01342-LJO-SKO

Plaintiff,

ORDER WITHDRAWING MOTION FOR
SUMMARY JUDGMENT, WITHOUT
PREJUDICE TO RENEWAL

v.

T. BIRRING, et al.,

(Docs. 41 and 74)

Defendants.

Plaintiff Roberto A. Sotelo, a state prisoner proceeding in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 10, 2008. This action is proceeding on Plaintiff's amended complaint, filed February on 24, 2009, against Defendants Biring, Das, Diep, and Coleman for acting with deliberate indifference to Plaintiff's medical needs, in violation of the Eighth Amendment, and a further schedule was set for these proceedings on February 2, 2012.

Pursuant to Defendants' notice, the motion for summary judgment filed by Defendants Biring and Das on January 25, 2011, is HEREBY WITHDRAWN, without prejudice to refileing the motion. (Docs. 41 and 74.)

IT IS SO ORDERED.

Dated: February 2, 2012

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE