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

LARRY TATE,

Plaintiff,

vs.

MATTHEW CATE, et al.,

Defendants.

Case No. 1:09-cv-00770 JLT (PC)

ORDER DENYING PLAINTIFF’S REQUEST
TO WITHDRAW MOTION TO AMEND

(Doc. 22)

_____ /

Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On December 15, 2010, Plaintiff filed a request to withdraw his motion to amend filed December 6, 2010. Plaintiff explains that his research confirms the Court’s basis for denying him leave to amend in its screening order. While the Court appreciates Plaintiff’s candor and good faith, the motion to amend which Plaintiff seeks to withdraw has already been disposed of by the Court in an order filed December 9, 2010. (Doc. 21.)

Accordingly, it is HEREBY ORDERED that Plaintiff’s December 15, 2010, request to withdraw his motion to amend (Doc. 22) is DENIED AS MOOT.

IT IS SO ORDERED.

Dated: December 16, 2010

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE