

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

NATHAN SMITH,

Plaintiff,

v.

H. A. RIOS, JR., et al.,

Defendants.

CASE NO. 1:10-cv-1554-AWI-MJS (PC)

ORDER GRANTING MOTION TO
WITHDRAW AND STRIKING MOTION FOR
TEMPORARY RESTRAINING ORDER

(ECF Nos. 29 & 31)

Plaintiff Nathan Smith ("Plaintiff") is a federal prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999 (1971).

On December 21, 2010, Plaintiff filed a Motion to Issue Emergency Temporary Restraining Order asking the Court to order that his personal items be returned. (ECF No. 29.) On January 7, 2011, Plaintiff filed a Motion to Withdraw Motion for Temporary Restraining Order asking the Court to "strike[], render[] moot and grant[] withdrawal of his preceding motion." Plaintiff alleges that he has received new information that counters the allegations made in his prior Motion.

For the reasons stated above, Plaintiff's Motion to Withdraw is GRANTED. The Clerk shall strike Plaintiff's Motion to Issue Emergency Temporary Restraining Order.

IT IS SO ORDERED.

Dated: January 14, 2011

Isl. Michael J. Seng
UNITED STATES MAGISTRATE JUDGE