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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DENELL CAVER,

Plaintiff,

v.

E. GOMEZ, et al.,

Defendants.

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Case No. 1:11-cv-01025-AWI-SKO PC

ORDER GRANTING REQUEST AND  
DENYING MOTION TO COMPEL AS  
MOOT

(Docs. 38 and 40)

Plaintiff Denell Caver, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 20, 2011. This action is proceeding on Plaintiff's second amended complaint, filed on April 10, 2012, against Defendants Gomez, Stark, and Garcia for violating Plaintiff's rights under the Eighth Amendment.

On October 10, 2013, Plaintiff filed a motion to compel responses to his discovery requests. Defendants filed an opposition on October 21, 2013, stating that they timely served their responses on September 6, 2013. On October 30, 2013, Plaintiff filed a request to withdraw his motion to compel in light of his receipt of Defendants' responses on October 24, 2013.

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Accordingly, Plaintiff's request is GRANTED and his motion to compel is DENIED as moot.

IT IS SO ORDERED.

Dated: November 1, 2013

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE