

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

NORMAN GERALD DANIELS III,
Plaintiff,
v.
R. TOLSON, et al.,
Defendants.

Case No. 1:13-cv-00202-AWI-SKO (PC)
ORDER (1) VACATING FINDINGS AND
RECOMMENDATIONS AND (2)
DIRECTING CLERK OF COURT TO
AMEND DOCKET TO REFLECT
WITHDRAWAL OF MOTION
(Docs. 39-41)

Plaintiff Norman Gerald Daniels III, a state prisoner, is proceeding pro se and in forma pauperis in this civil action brought pursuant to 42 U.S.C. § 12132, the Americans with Disabilities Act (“ADA”). On November 5, 2015, Defendant Sherman filed a Motion to Dismiss and on November 12, 2015, the undersigned issued Findings and Recommendations recommending the motion be denied.

Defendant filed a Notice of Withdrawal of the Motion to Dismiss on November 13, 2015. Accordingly, the Findings and Recommendations are **HEREBY VACATED**, and the Clerk of the Court is **DIRECTED** to amend the docket to reflect withdrawal of the motion.

IT IS SO ORDERED.

Dated: November 16, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE