

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10  
11 JAMAAL L. DUNCAN,

12 Plaintiff,

13 v.

14 M.D. DR. KIM, et al.,

15 Defendants.

1:13-cv-01153-AWI-JLT (PC)

ORDER GRANTING DEFENDANT'S  
WITHDRAWAL OF MOTION TO COMPEL  
AND DISCHARGING ORDER TO SHOW  
CAUSE

(Docs. 34, 36, 39)

16  
17 Plaintiff is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. §  
18 1983. On October 2, 2014, an order issued for Plaintiff to show cause as to why the action should  
19 not be dismissed for Plaintiff's failure to file an opposition to Defendant's motion to compel  
20 discovery responses. (Doc. 10.) Plaintiff failed to file a response. However, on November 3,  
21 2014, Defendant filed a notice of withdrawal of the motion to compel indicating that Plaintiff's  
22 responses to propounded discovery had been received. (Doc. 10, 11, 12, 14.)

23 While the basis for the order to show cause has been obviated, Plaintiff is admonished of  
24 his duty to respond to motions filed by the defendants in this action and to respond when ordered  
25 to do so by this Court.

26 Accordingly, it is HEREBY ORDERED that Defendant's request to withdraw the motion  
27 to compel discovery responses, filed November 3, 2014 (Doc. 39), is GRANTED, Defendants'  
28

1 motion to compel, filed August 20, 2014 (Doc. 34) is deemed WITHDRAWN, and the order to  
2 show cause, which issued on October 2, 2014 (Doc. 36), is DISCHARGED.

3 IT IS SO ORDERED.

4  
5 Dated: November 5, 2014

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE