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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GREGORY ELL SHEHEE,
Plaintiff,
v.
NGUYEN, et al.,
Defendants.

Case No.: 1:14-cv-01154-LJO-MJS (PC)

**ORDER DIRECTING PLAINTIFF TO FILE
NOTICE OF INTENT TO WITHDRAW OR
PURSUE MOTION TO COMPEL
(ECF Nos. 54 & 59)
FOURTEEN DAY DEADLINE**

Plaintiff is a civil detainee proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. The case proceeds on Plaintiff's third amended complaint against Defendants Audrey Long, April Leavens, Long Moua, and Kim Nguyen for denying Plaintiff a cane and access to educational services in violation of the Americans with Disabilities Act ("ADA") and the Eighth Amendment of the United States Constitution. (ECF No. 34.)

On January 26, 2017, Plaintiff filed a motion to compel. (ECF No. 54.) Defendants did not file an opposition. Rather, on February 23, 2017, Defendants filed a notice stating that on February 14, 2017, Plaintiff served Defendants with a notice of intention to withdraw his motion to compel. (ECF No. 59.) Plaintiff did not file the same with the Court.

The Court cannot deem Plaintiff's motion to compel withdrawn unless Plaintiff files

1 a request to withdraw with the Court.

2 Accordingly, within **fourteen (14) days** of this order, Plaintiff must file with the
3 Court a notice stating his intention to either withdraw or pursue his motion to compel.
4 Failure to respond to this order may result in Plaintiff's case being dismissed for failure to
5 obey a Court order.

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7 IT IS SO ORDERED.

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Dated: February 24, 2017

1st Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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