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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 DEVONTE HARRIS,

12 Plaintiff,

13 vs.

14 HUMBERTO GERMAN, et al.,

15 Defendants.
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1:15-cv-01462-DAD-GSA-PC

**ORDER RE DEFENDANTS' NOTICE OF
WITHDRAWAL OF MOTION TO COMPEL
(ECF No. 60.)**

**ORDER WITHDRAWING DEFENDANTS'
MOTION TO COMPEL
(ECF No. 38.)**

19 Devonte Harris ("Plaintiff") is a prisoner proceeding *pro se* and *in forma pauperis* with
20 this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds with the First
21 Amended Complaint filed by Plaintiff on March 14, 2016, against the following defendants:
22 Correctional Officer (C/O) Humberto German, C/O Philip Holguin, and C/O R. Burnitzki
23 (collectively, "Defendants"), for use of excessive force in violation of the Eighth Amendment;
24 and against defendant C/O Philip Holguin for retaliation in violation of the First Amendment.
25 (ECF No. 8.)

26 On February 6, 2019, Defendants filed a notice of withdrawal of their motion to
27 compel, filed on August 16, 2018. (ECF No. 60.) Good cause appearing, Defendants' motion
28 to compel shall be withdrawn.

Accordingly, IT IS HEREBY ORDERED that pursuant to Defendants' notice filed on February 6, 2019, Defendants' motion to compel, filed on August 16, 2018, is WITHDRAWN from the court's calendar.

IT IS SO ORDERED.

Dated: **February 12, 2019**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE