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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VINCENTE MEJIA JIMENEZ,
Plaintiff,
v.
THOR MOTOR COACH, INC.,
Defendants.

No. 1:16-cv-01927-DAD-JLT
ORDER ON WITHDRAWAL OF MOTION
(Doc. No. 6)

On March 13, 2017, defendant Thor Motor Coach, Inc. filed a motion to change venue in this action and seeking its transfer to the U.S. District Court for the Northern District of Indiana pursuant to 28 U.S.C. § 1404(a). (Doc. No. 6.) The motion was noticed for hearing before the undersigned on April 18, 2017 at 9:30 a.m. (*Id.*) Plaintiff Vicente Mejia Jimenez filed his opposition to the motion on April 4, 2017. (Doc. No. 8.) However, on April 11, 2017, defendant Thor Motor Coach, Inc. filed a notice of withdrawal of its motion to change venue. (Doc. No. 9.)

“Withdrawal of a motion has a practical effect as if the party had never brought the motion.” *Caldwell-Baker Co. v. S. Ill. Railcar Co.*, 225 F. Supp. 2d 1243, 1259 (D. Kan. 2002); *see also Davis v. United States*, No. 5:07-cv-00481-VAP-OP, 2010 WL 334502, at *2 (C.D. Cal. Jan. 28, 2010) (“The effect of withdrawal of a motion is to leave the record as it stood prior to the filing as though the motion had never been made”); *Remley v. Lockheed Martin Corp.*, No. 3:00-cv-02495-CRB, 2001 WL 681257, at *3 (N.D. Cal. June 4, 2001) (same).


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Accordingly,

- 1) Defendant's motion to change venue (Doc. No. 6), filed on March 13, 2017, has been withdrawn;
- 2) The Clerk of the Court is directed to terminate defendant's motion to change venue (Doc. No. 6) on the docket; and
- 3) The hearing on the motion to change venue set for April 18, 2017 at 9:30 a.m. is vacated.

IT IS SO ORDERED.

Dated: April 12, 2017


UNITED STATES DISTRICT JUDGE