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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFF AIDNIK,

Plaintiff,

No. CIV S-09-1355 JAM DAD P

vs.

MIKE KNOWLES, et al.,

Defendants.

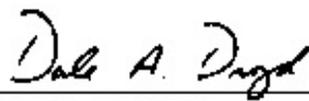
ORDER

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action filed pursuant to 42 U.S.C. § 1983. On July 7, 2010, defendant Maxwell filed a motion to dismiss in this action. However, on the same day defendant’s counsel filed an answer to plaintiff’s complaint, along with a request that defendant’s motion to dismiss be withdrawn as filed in error. The court will honor defense counsel’s request.

Accordingly, IT IS HEREBY ORDERED that defendant’s July 7, 2010 motion to dismiss (Doc. No. 27) is denied without prejudice.

DATED: July 23, 2010.

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

DAD:sj  
aidn1355.mtd