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

TONY ASBERRY,

Plaintiff,

No. 2:09-cv-01494 MCE KJN P

vs.

MATHEW CATE, et al.,

Defendants.

ORDER

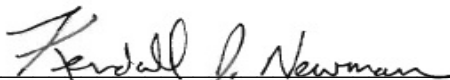
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Presently pending is plaintiff’s motion for preliminary injunctive relief, filed on May 11, 2012, pursuant to which plaintiff seeks the termination of his “orientation status,” and its attendant alleged conditions of confinement. (Dkt. No. 56.) On May 22, 2012, this court directed defendants to file a response to plaintiff’s motion. (Dkt. No. 58.) Defendants timely filed an opposition to plaintiff’s motion on June 1, 2012. (Dkt. No. 60.) However, on May 31, 2012, plaintiff filed a “Notice,” under penalty of perjury, in which he informed the court “that defendants have released the plaintiff from ‘orientation status’ and therefore there is no longer any need for the order or for the defendants to respond.” (Dkt. No. 59 at 1.) Defendants’ briefing also indicates that plaintiff was released from orientation status. (Dkt. No. 60 at 2, 3.) The court construes plaintiff’s “Notice” as a withdrawal of his motion.

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1 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall designate
2 plaintiff's motion for preliminary injunctive relief (Dkt. No. 56) as withdrawn (Dkt. No. 59).

3 DATED: June 6, 2012

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5 
6 KENDALL J. NEWMAN
7 UNITED STATES MAGISTRATE JUDGE

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