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22 Attorneys for Plaintiff,  
 23 DANIEL M. MILLER

24 **UNITED STATES DISTRICT COURT**  
 25 **NORTHERN DISTRICT OF CALIFORNIA**  
 26 **SAN FRANCISCO DIVISION**

27 DANIEL M. MILLER,

28 Plaintiff,

vs.

FACEBOOK, INC. and YAO WEI YEO,

Defendants.

) **CASE NO.: MC-10-80301 (WHA)**  
 ) **(Related to CV-10-264 (WHA))**  
 )  
 ) **PLAINTIFF DANIEL M. MILLER’S**  
 ) **MOTION TO WITHDRAW MOTION TO**  
 ) **QUASH SUBPOENAS SERVED ON NON-**  
 ) **PARTY K2XL, LLC**  
 )  
 ) **Pursuant to Civil Local Rule 7-1(b), the**  
 ) **Plaintiff requests Determination of this Motion**  
 ) **without Oral Argument. In the Alternative,**  
 ) **Date: February 3, 2011**  
 ) **Time: 8:00 A.M.**  
 ) **Judge: Honorable William Alsup**

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COMES NOW Plaintiff Daniel M. Miller (“Plaintiff”) who, at the request of Defendant Facebook, Inc. and pursuant to Rules 26 and 45 of the Federal Rules of Civil Procedure, moves to withdraw his previously filed Motion to Quash Subpoenas Served on K2xl, LLC (“Plaintiff’s Motion”) (Dkt. No. 1) that was originally filed in the United States District Court for the Northern District of Georgia on November 18, 2010.

WHEREFORE PREMISES CONSIDERED, the Plaintiff respectfully seeks an Order for the relief herein requested.

Dated: December 29, 2010

Respectfully submitted,

s/ Brian D. Hancock  
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