

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**BPI ENERGY, INC., et al.,** )  
 )  
 Plaintiffs, )  
 )  
 V. )  
 )  
 **IEC (MONTGOMERY), LLC, et al.,** )  
 )  
 Defendants. )

Civil No. **07-186-DRH**

**ORDER**

**PROUD, Magistrate Judge:**

Before the Court is defendant Marion Coal Holding’s motion to compel production of documents. (**Doc. 123**). Also before the Court is defendant Marion Coal Holding’s motion to withdraw its motion to compel, because the issues have been resolved. (**Doc. 126**).

**IT IS THEREFORE ORDERED** that defendant Marion Coal Holding’s motion to withdraw its motion to compel (**Doc. 126**) is **GRANTED**; accordingly, defendant Marion Coal Holding’s motion to compel production of documents (**Doc. 123**) is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

**DATED: September 11, 2008**

s/ Clifford J. Proud  
**CLIFFORD J. PROUD**  
**U. S. MAGISTRATE JUDGE**