

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BECKY HARRIS,
Plaintiff,
vs.
NISSAN-INFINITI LT, et al.,
Defendants.

Case No. 2:17-cv-00191-JCM-VCF

ORDER

**MOTION TO WITHDRAW PLAINTIFF’S FIRST
AMENDED COMPLAINT [ECF No. 40]**

Before the Court is Plaintiff Becky Harris’ Motion to Withdraw Plaintiff’s First Amended Complaint. (ECF No. 40). For the reasons stated below, Plaintiff’s motion is granted.

On January 11, 2018, the Court granted a motion to dismiss and gave Plaintiff leave to file an amended complaint. (ECF No. 38). On February 1, 2018, Plaintiff filed a first amended complaint. (ECF No. 39). On February 6, 2018, Plaintiff filed a motion to withdraw the complaint, stating she “erroneously filed her First Amended Complaint independently from her Motion for Leave to File First Amended Complaint.” (ECF No. 40 at 2). Plaintiff filed a motion for leave to file the first amended complaint later that day (ECF No. 41), attaching the amended complaint (ECF No. 41-1). Defendants have not opposed the motion to withdraw.

Plaintiff seeks to withdraw ECF No. 39 in order to attach the amended complaint to a motion for leave to file the amended complaint. “[D]istrict courts have inherent power to control their docket.” Ready Transp., Inc. v. AAR Mfg., Inc., 627 F.3d 402, 404 (9th Cir. 2010) (quoting Atchison, Topeka & Santa Fe Ry. v. Hercules, Inc., 146 F.3d 1071, 1074 (9th Cir.1998)). In addition, pursuant to LR 7-2(d), the failure of an opposing party to file points and authorities in response to a motion constitutes a consent

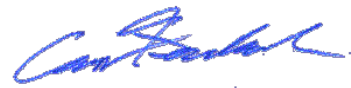
1 to the granting of the motion. Allowing Plaintiff to withdraw ECF No. 39 will assist in the efficient
2 resolution of this case.

3 Accordingly, and for good cause shown,

4 IT IS ORDERED that Plaintiff's Motion to Withdraw Plaintiff's First Amended Complaint (ECF
5 No. 40) is GRANTED.

6 IT IS SO ORDERED.

7 DATED this 2nd day of March, 2018.

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10 CAM FERENBACH
11 UNITED STATES MAGISTRATE JUDGE
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