

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

EARL D. MACK, Jr.,

Plaintiff,

-vs-

DWIGHT A. HOLCOMB, *et al.*,

Defendants.

Case No. 3:06CV-7028

JUDGE CARR

STIPULATION AND ORDER

Upon stipulation by and between counsel for plaintiff and defendants:

Defendants' motion to dismiss, filed January 30, 2006 (Doc. 6), is withdrawn as moot, for the reason that plaintiff has filed an amended complaint. Plaintiff need not respond to this motion.

It is so ordered.

February 21, 2006

Date
Approved by:

/s/ C. Thomas McCarter

C. THOMAS McCARTER
Trial Counsel for Plaintiff (0012986)

/s/ Jack W. Decker

JACK W. DECKER (0021285)
Trial Counsel for Defendants

s/ James G. Carr

Chief Judge