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8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
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11 JOSEPH DIAZ JR.,

12 Plaintiff,

13 v.

14 RALPH HEREDIA, true name  
15 RAFAEL HEREDIA TARANGO,  
16 a/k/a RAFAEL HEREDIA, a/k/a  
17 RAFAEL BUSTAMANTE;  
18 JOHN DOE, ESQ.; and  
19 JANE DOES 1 through 20, inclusive,  
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Defendants.

Case No. 5:20-cv-02332-JWH-KKx

**ORDER RE MOTION OF  
DEFENDANT TO WITHDRAW  
SECOND MOTION TO DISMISS  
AND TO COMPEL ARBITRATION  
[ECF No. 25]**

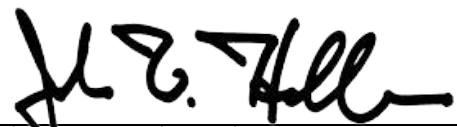
On January 5, 2021, this Court entered an order denying without prejudice the motion of Defendant Ralph Heredia to dismiss the Complaint of Plaintiff Joseph Diaz, Jr.<sup>1</sup> On January 19, 2021, Heredia again moved to dismiss Diaz's Complaint,<sup>2</sup> and Diaz timely filed his opposition to that motion on January 29, 2021.<sup>3</sup> On February 5, 2021, Heredia moved to withdraw the Second Motion to Dismiss and to compel arbitration (all in the same filing).<sup>4</sup>

Under this Court's Local Rules, a party that no longer seeks the relief that it has requested in a pending motion may simply *withdraw* that motion by providing appropriate notice, *see* L.R. 7-16; that party need not make *another motion* to withdraw its pending motion. In view of that background, the Court will construe Heredia's instant Motion as a L.R. 7-16 notice of withdrawal of his Second Motion to Dismiss. Heredia's Second Motion to Dismiss is hereby deemed **WITHDRAWN**.

In his Motion, Heredia also seeks to compel arbitration. The parties are **DIRECTED** to file their respective response and reply papers pertaining to that requested relief in accordance with the Local Rules. All counsel are also **DIRECTED** to review thoroughly and hereafter to comply assiduously with this Court's Local Rules.

**IT IS SO ORDERED.**

Dated: February 10, 2021

  
 John W. Holcomb  
 UNITED STATES DISTRICT JUDGE

<sup>1</sup> Order Denying Def.'s Mot. to Dismiss Without Prejudice [ECF No. 22].

<sup>2</sup> Def.'s Second Mot. to Dismiss Case (the "Second Motion to Dismiss") [ECF No. 23].

<sup>3</sup> Pl.'s Opp'n to the Second Motion to Dismiss [ECF No. 24].

<sup>4</sup> Def.'s Motion to Withdraw the Second Motion to Dismiss, and Motion to Compel Arbitration (the "Motion") [ECF No. 25].