

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

|                                       |   |                       |
|---------------------------------------|---|-----------------------|
| John Eakin,                           | § |                       |
|                                       | § |                       |
| Plaintiff,                            | § |                       |
| v.                                    | § | Civil Action No.      |
|                                       | § |                       |
| United States Department of Defense,  | § | SA-10-CV-0784 FB (NN) |
| Robert M. Gates, in his Official      | § |                       |
| Capacity as Secretary of Defense,     | § |                       |
| United States Department of the Army, | § |                       |
| John McHugh, in his Official          | § |                       |
| Capacity as Secretary of the Army,    | § |                       |
|                                       | § |                       |
| Defendants.                           | § |                       |

ORDER DENYING MOTION TO STRIKE

Previously, plaintiff John Eakin responded the defendants' motion for summary judgment and asked the court to sanction the defendants for withholding documents responsive to his requests under the Freedom of Information Act.<sup>1</sup> The defendants responded and asked the court to strike Eakin's motion for sanctions.<sup>2</sup> Eakin subsequently withdrew his motion for sanctions.<sup>3</sup> Withdrawing the motion for sanctions rendered moot the government's motion to strike the motion for sanctions. I

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<sup>1</sup>See docket entry # 30.

<sup>2</sup>Docket entry # 31, p. 5.

<sup>3</sup>See docket entry # 32, p. 3.

therefore deny the government's motion (docket entry # 31) as moot.

**SIGNED** on November 23, 2011.

Handwritten signature of Nancy Stein Nowak in cursive script, underlined.

NANCY STEIN NOWAK  
UNITED STATES MAGISTRATE JUDGE