

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,

v.

66cv06639 WJ/WPL

R. LEE AAMODT *et al.*,

Defendants,

and

Subfile No. RG-89217

UNITED STATES OF AMERICA,
PUEBLO DE NAMBÉ,
PUEBLO DE POJOAQUE,
PUEBLO DE SAN ILDEFONSO,
and PUEBLO DE TESUQUE,

Plaintiffs-in-Intervention.

**ORDER GRANTING UNOPPOSED MOTION TO WITHDRAW MOTION AND
STRIKE RESPONSE**

THIS MATTER comes before the Court on Defendant Gossein's Motion to Withdraw his Rule 60 Motion for Relief from the Special Master's Order Granting Summary Judgment on his Claims and Request for a New Trial under Rule 59 and Defendant Gossein's Motion to Strike the State's Response and Objections to that Motion, Doc. 10604, filed May 9, 2016.

On April 8, 2016, Defendant Gossein filed a Rule 59 motion for a new trial and a Rule 60 motion for reconsideration of the Special Master's Order granting the State's motion for summary judgment. *See* Motion for New Trial/Reconsideration, Doc. 10562. The State filed a response opposing the motion. *See* State's Response, Doc. 10577, filed April 25, 2016.

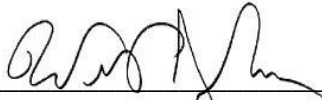
On May 9, 2016, Defendant Gossein filed a Motion to Withdraw his Motion for New Trial/Reconsideration and to Strike the State's Response on the grounds that his Motion for New

Trial/Reconsideration “was filed prematurely because the court has not yet filed an order entering the Special Master’s Order.” *See* Doc. 10604. No responses opposing Defendant Gossein’s Motion to Withdraw his Motion for New Trial/Reconsideration and to strike the State’s Response have been filed.

IT IS ORDERED that Defendant Gossein’s Motion to Withdraw his Rule 60 Motion for Relief from the Special Master’s Order Granting Summary Judgment on his Claims and Request for a New Trial under Rule 59 and Defendant Gossein’s Motion to Strike the State’s Response and Objections to that Motion, Doc. 10604, filed May 9, 2016, is **GRANTED**.

IT IS ALSO ORDERED that Defendant Gossein’s Rule 59 Motion for New Trial and Rule 60(b)(6) Motion for Reconsideration of the Special master’s Order Granting the State’s Motion for Summary Judgment, Doc. 10562, filed April 8, 2016, is **WITHDRAWN**.

IT IS FURTHER ORDERED that the State of New Mexico’s Response to Defendant Christian Gossein’s Rule 59 Motion for New Trial and Rule 60(b)(6) Motion for Reconsideration of the Special Master’s Order Granting Summary Judgment under Subfile PM-89217, Doc. 10577, filed April 25, 2016, is **STRICKEN**.



UNITED STATES DISTRICT JUDGE