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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS EMMANUEL MORENO
ORTEGA,

Plaintiff,

v.

NISSAN NORTH AMERICA, INC.,

Defendant.

No. 1:22-cv-01581-ADA-EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL

(ECF No. 11)

On December 9, 2022, Plaintiff Carlos Emmanuel Moreno Ortega (“Plaintiff”) filed this action bringing California state law claims arising from an allegedly defective vehicle. (ECF No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 19, 2023, the assigned Magistrate Judge entered findings and recommendations, recommending that Defendant’s motion to dismiss be denied as moot because Plaintiff amended the complaint after the motion to dismiss was filed. (ECF No. 11); *see Ramirez v. Cnty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015) (“Because the Defendants’ motion to dismiss targeted the Plaintiff’s First Amended Complaint, which was no longer in effect [after Plaintiff filed a Second Amended Complaint], we conclude that the motion to dismiss should have been deemed moot before the district court granted it.”).

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The findings and recommendations permitted the parties to file objections within fourteen days; however, no party has filed objections.

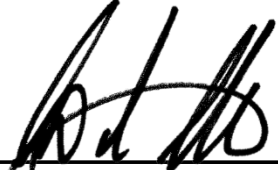
In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and proper analysis.

Accordingly,

1. The findings and recommendations issued on January 19, 2023, (ECF No. 11), are ADOPTED IN FULL;
2. Defendant’s motion to dismiss (ECF No. 6) is denied as moot; and
3. This case is referred back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: March 7, 2023



UNITED STATES DISTRICT JUDGE