

1 **WO**

2

3

4

5

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8

9 Edward M. Vivirito,

) No. CV-08-891-PHX-DGC

10 Plaintiff,

) **ORDER**

11 vs.

12 State of Arizona,

13 Defendant.

14

15 The parties have filed a stipulated motion to amend the complaint pursuant to
16 Rule 15(a)(2) of the Federal Rules of Civil Procedure. Dkt. #25. The motion requests that
17 Plaintiff be permitted to file the proposed amended complaint (Dkt. #26) and that
18 Defendant's motion to dismiss (Dkt. #6) be denied as moot. Dkt. #25 at 1. The Court will
19 grant the motion.

20 **IT IS ORDERED:**

- 21 1. The parties' stipulated motion to amend the complaint (Dkt. #25) is **granted**.
- 22 2. The Clerk is directed to file the proposed amended complaint (Dkt. #26).
- 23 3. Defendant's motion to dismiss (Dkt. #6) is **denied** as moot.

24 DATED this 4th day of November, 2008.

25

26



27

David G. Campbell
United States District Judge

28