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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 Sy Lee Castle, ) No. CV 1-08-01267-JAT  
10 Plaintiff, ) **ORDER**  
11 vs. )  
12 )  
13 M. Knowles, et al., )  
14 Defendant. )  
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16 Pending before this Court is Defendants Knowles, Fisher, and Phillips' Motion to  
17 Dismiss (Doc. # 19), and Plaintiff Sy Lee Castle's Motion to Amend (Doc. # 23). This is  
18 Plaintiff's first request to amend his complaint. As such, Plaintiff is permitted to amend his  
19 complaint as a matter of right, notwithstanding Defendants' pending motion to dismiss.  
20 *Schreiber Distrib. Co. v. Serv-Well Furniture Co.*, 806 F.2d 1393, 1401 (9th Cir. 1986).

21 Accordingly,

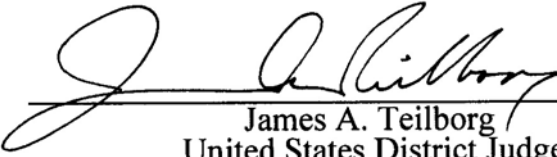
22 **IT IS ORDERED** that Defendants' Knowles, Fisher, and Phillips' Motion to Dismiss  
23 (Doc. # 19) is denied without prejudice.

24 **IT IS FURTHER ORDERED** that Plaintiff Sy Lee Castle's Motion to Amend (Doc.  
25 # 23) is granted.

26 **IT IS FURTHER ORDERED** that the Clerk of the Court shall file Plaintiff's lodged  
27 First Amended Complaint (Doc. # 25).  
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1           **IT IS FINALLY ORDERED** that Defendants shall have ten (10) days from the date  
2 of this Order to respond to Plaintiff's amended complaint.

3           DATED this 23<sup>rd</sup> day of September, 2009.

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7           James A. Teilborg  
8           United States District Judge  
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