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1 IN THE UNITED STATES DISTRICT COURT FOR THE 2 EASTERN DISTRICT OF CALIFORNIA 3 4 RICHARD ERNEST ANAYA, 1:09-cv-1653 AWI DLB (PC) 5 Plaintiff. ORDER ON PLAINTIFF'S 6 MOTIONS TO AMEND AND **MOTION FOR JUDICIAL** 7 HERRINGONT, et al., NOTICE 8 Defendants. (Doc. Nos. 54, 59, 60) 9 10 11 On March 27, 2012, the Court adopted a findings and recommendation and dismissed Plaintiff's third amended complaint. See Doc. No. 70. The third amended complaint, however, 12 13 is erroneously identified as a motion to amend, and is Document No. 54 in the docket sheet. 14 Further, the docket reflect that Doc. No. 54 is an active motion. This is erroneous. 15 Additionally, there is a motion to amend and a motion for judicial notice that were mooted when the Court dismissed the third amended complaint on March 27, 2012. Because 16 17 they are moot, it is appropriate to deny the motion to amend (Doc. No. 60) and the motion for 18 judicial notice (Doc. No. 59). 19 Accordingly, IT IS HEREBY ordered that: 20 Plaintiff's motion to amend (Doc. No. 60) and motion for judicial notice (Doc. No. 59) 1. 21 are DENIED as moot; and 22 Plaintiff's motion to amend (Doc. No. 54), which in reality is the third amended 2. 23 complaint, is DENIED as moot due to the Court's dismissal of the third amended 24 complaint with leave to amend (see Doc. No. 70). 25 IT IS SO ORDERED. 26 Dated: March 29, 2012 27 CHIEF UNITED STATES DISTRICT JUDGE