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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JAMES M. LANIER,

CASE NO. 1:11-cv-01613-LJO-GSA

Plaintiff,

**ORDER TO VACATE HEARING AND TO
TERM MOTION (Docs. 12, 13)**

vs.

CLOVIS UNIFIED SCHOOL DISTRICT,

Defendant.

_____ /

On February 24, 2012, defendant Clovis Unified School District filed their Fed. R. Civ. P. 12(b)(6) motion to dismiss plaintiff's original complaint and set a March 29, 2012 hearing. On March 16, 2012, plaintiff filed his first amended complaint as a matter of course under Fed. R. Civ. P. 15(a)(1)(B). As such, this Court:

1. VACATES the March 29, 2012 hearing in that the first amended complaint renders moot the Fed. R. Civ. P. 12(b)(6) motion to dismiss the original complaint;
2. DIRECTS the clerk to term the Fed. R. Civ. P. 12(b)(6) motion to dismiss the original complaint (Docs. 12, 13); and
3. ORDERS the moving defendants, no later than April 5, 2012, to file papers to respond to the first amended complaint.

1 This Court will take no further action on the Fed. R. Civ. P. 12(b)(6) motion to dismiss the original
2 complaint (Docs. 12, 13).

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IT IS SO ORDERED.

Dated: March 21, 2012

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE