

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EFRAIN GARCIA, et al.

Case No. 1:12-cv-00609-AWI-SKO

Plaintiffs,

**ORDER HOLDING IN ABEYANCE
PLAINTIFFS' LODGED FIRST
AMENDED COMPLAINT**

vs.

(Docket No. 29)

ALLSTATE INSURANCE,

Defendant.

On April 22, 2013, Magistrate Judge Sheila K. Oberto issued Findings and Recommendations ("F&R") that Plaintiffs Efrain Garcia and Ofelia Garcia's ("Plaintiffs") Motion for Relief be granted. (Doc. 28.) The F&R further recommended that the order closing the case and the judgment against Plaintiffs be set aside, Plaintiffs be ordered to file an amended complaint, and Plaintiff's current counsel, Joseph Todd Armas, be ordered to either file a substitution of attorney form or inform the Court if Plaintiffs wish to continue proceeding with attorney Armas as their counsel. (Doc. 28, p. 15.)

The F&R stated that any party may file written objections to the recommendations within twenty-one (21) days of the service of the F&R. (Doc. 28, 15:28-16:2.) As such, the F&R objection period runs until May 16, 2013.

On May 8, 2013, Plaintiffs, representing themselves and not through their counsel, submitted a First Amended Complaint for Damages, which was lodged with the Court. (Doc. 29.) The objection period for the F&R is still open, and Plaintiffs have **not** yet been given leave to file an amended complaint. The case is still currently closed pending a final order from the District Judge

1 regarding the F&R. Further, Plaintiffs are still represented by attorney Armas in this action, and
2 Plaintiffs cannot represent themselves until a substitution of attorney form is filed or Plaintiffs seek
3 to have attorney Armas dismissed as counsel.

4 Accordingly, IT IS HEREBY ORDERED that Plaintiffs' First Amended Complaint, lodged
5 at Docket No. 29, be HELD IN ABEYANCE until after the objection period for the F&R is closed,
6 the District Judge issues an order making a final determination on the F&R, and attorney Armas is
7 either substituted or dismissed as counsel.

8 The Clerks' Office is DIRECTED to serve Plaintiffs with a copy of this order via U.S. mail
9 at the following address:

10 Efrain Garcia and Ofelia Garcia
11 1095 Adams Avenue
Orange Cove, CA 93646
12

13 IT IS SO ORDERED.

14 **Dated: May 10, 2013**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE