2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 WILLIAM RAY JONES, SR., Case No.: 1:12-cv-00633 - AWI - JLT 12 Plaintiff, ORDER CONSTRUING MOTION TO AMEND AS THE FIRST AMENDED COMPLAINT 13 v. (Doc. 29) 14 LEHIGH SOUTHWEST CEMENT COMPANY, INC., 15 Defendant. 16 17 18 On July18, 2012, the Court granted Defendants' motion to dismiss with 30 days leave to 19 amend. (Doc. 27) On August 20, 2012, Plaintiff filed a document entitled "Motion to Amend 20 Complaint: Motion to Amend Original Complaint." (Doc. 29) Review of the document makes clear 21 that Plaintiff is not moving the Court for leave to amend. Indeed, doing so would make little sense 22 given the Court has granted him leave to amend the complaint already. Instead, the document appears 23 to be Plaintiff's amended. 24 /// 25 /// 26 /// 27 28

1

Therefore, the Court will construe the motion to amend (Doc. 29) as Plaintiff's First Amended Complaint. Defendants SHALL file their responsive pleading within 20 days of the date of this order. IT IS SO ORDERED. /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE Dated: **August 22, 2012**