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

CYNTHIA SOLTERO,

Plaintiff,

vs.

CITY OF BAKERSFIELD, et al.,

Defendants.

CASE NO. CV F 12-1791 LJO JLT

**ORDER TO VACATE HEARING, TO
TERM MOTION AND TO FILE SECOND
AMENDED COMPLAINT**
(Docs. 8,9.)

Based on the parties' December 28, 2012 stipulation, this Court:

1. DIRECTS the clerk to file plaintiffs' Second Amended Complaint attached as Exhibit A to the parties' stipulation. The Second Amended Complaint will serve as plaintiffs' operative complaint at this time;
2. VACATES the January 10, 2013 hearing on defendants' F.R.Civ.P. 12 motion to dismiss plaintiff's First Amended Complaint as the stipulated Second Amended Complaint renders moot the motion to dismiss;
3. DIRECTS the clerk to term the motion to dismiss the First Amended Complaint (doc. 8); and
4. ORDERS defendants, no later than January 23, 2012, to file and serve papers to respond to the Second Amended Complaint.

1 This Court will take no further action on the motion to dismiss the First Amended Complaint (doc. 8).

2 IT IS SO ORDERED.

3 **Dated: December 28, 2012** /s/ Lawrence J. O'Neill
4 UNITED STATES DISTRICT JUDGE

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