

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

LANA K. WILLIAMS,

Plaintiff,

v.

REX LEE HUHA, et al.,

Defendants.

1:12-CV-1888 AWI GSA

ORDER ON DEFENDANT'S
MOTION TO DISMISS AND
ORDER VACATING
JANUARY 7, 2013 HEARING
DATE

(Doc. No. 3)


Defendant City of Madera has filed a motion to dismiss for lack of jurisdiction. Hearing on this motion is set for January 7, 2013. However, Plaintiff's motion to proceed in forma pauperis was granted after Defendant filed its motion to dismiss. Since in forma pauperis status has been granted, the complaint will be screened by the Magistrate Judge. Because the Magistrate Judge has yet to screen the complaint, Defendant's motion to dismiss is premature. The Court will vacate the hearing and deny the motion to dismiss without prejudice. Following the screening by the Magistrate Judge, if Defendant believes that dismissal is still warranted, then Defendant may refile its motion to dismiss at that time.

Accordingly, IT IS HEREBY ORDERED that:

1. The January 7, 2013, hearing on Defendant City of Madera's motion to dismiss is VACATED; and
2. Defendant City of Madera's motion to dismiss is DENIED without prejudice.

IT IS SO ORDERED.

Dated: November 29, 2012


UNITED STATES DISTRICT JUDGE