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

ANTHONY BLACKBURN,

Plaintiff,

vs.

STURGEON SERVICES
INTERNATIONAL, INC., et al.,

Defendants.

CASE NO. CV F 13-0054 LJO JLT

**ORDER TO VACATE HEARING AND TO
TERM MOTION**
(Doc. 6.)

On March 24, 2013, defendants filed their F.R.Civ.P. 12 motion to dismiss plaintiff's original complaint and set an April 22, 2013 hearing. On April 15, 2013, plaintiff filed his first amended complaint as a matter of course under F.R.Civ.P. 15(a)(1). As such, this Court:

1. VACATES the April 22, 2013 hearing in that the first amended complaint renders moot the F.R.Civ.P. 12 motion to dismiss the original complaint;
2. DIRECTS the clerk to term the F.R.Civ.P. 12 motion to dismiss the original complaint (doc. 6); and
3. ORDERS defendants, no later than May 6, 2013, to file and serve papers to respond to the first amended complaint.

This Court will take no further action on the F.R.Civ.P. 12 motion to dismiss the original complaint (doc. 6).

IT IS SO ORDERED.

Dated: April 16, 2013

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