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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

ARTHUR DUANE JACKSON, et al.,  
Plaintiffs,  
v.  
STATE OF CALIFORNIA, et al.,  
Defendants.

Case No. 1:13-cv-01055-LJO-SAB  
ORDER VACATING ORDER STRIKING  
AMENDED COMPLAINT AND DENYING  
DEFENDANTS' MOTION TO DISMISS AS  
MOOT  
(ECF Nos. 15, 23)

The complaint in this action was filed on July 9, 2013. On September 25, 2013, Defendants filed a motion to dismiss the complaint. Plaintiffs filed a first amended complaint on October 16, 2013. On October 18, 2013, this Court issued an order in error striking Plaintiff's first amended complaint. (ECF No. 23.) Therefore, the order issued on October 18, 2013, shall be vacated and Plaintiffs' amended complaint shall be reinstated on the docket.

The original complaint has now been superseded by the amended complaint. Forsyth v. Humana, Inc., 114 F.3d 1467, 1474 (9th Cir. 1997); King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987). Accordingly, Defendants' motion to dismiss is denied as moot and the hearing set for November 6, 2013 at 9:30 a.m. before the undersigned is vacated.

Based on the foregoing, IT IS HEREBY ORDERED that:

1. The order striking Plaintiff's first amended complaint is VACATED;
2. The Clerk's Office is DIRECTED to reinstate the first amended complaint;

