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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 EDGAR GLOVER,

12 Plaintiff,

13 v.

14 CALIFORNIA STATE UNIVERSITY
15 FRESNO, et al.,

16 Defendants.

Case No. 1:15-cv-00152-SAB

ORDER GRANTING MOTION TO AMEND
AND VACATING NOVEMBER 4, 2015
HEARING

(ECF No. 41)

FIVE DAY DEADLINE

17 On September 30, 2015, Plaintiff filed a motion for leave to file a third amended
18 complaint. The Court finds that the motion is suitable for decision without oral argument and the
19 November 4, 2015 hearing shall be vacated. The parties are not required to appear at that date
20 and time.

21 Plaintiff contends that the parties and have met and conferred regarding the current
22 complaint and have agreed that Plaintiff may file a third amended complaint to avoid a motion to
23 dismiss. Plaintiff's motion for leave to file a third amended complaint is unopposed.

24 Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend the party's
25 pleading once as a matter of course at any time before a responsive pleading is served.
26 Otherwise, a party may amend only by leave of the court or by written consent of the adverse
27 party, and leave shall be freely given when justice so requires. Fed. R. Civ. P. 15(a). Rule 15(a)
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1 is very liberal and leave to amend ‘shall be freely given when justice so requires.’” Amerisource
2 Bergen Corp. v. Dialysis West, Inc., 465 F.3d 946, 951 (9th Cir. 2006) (quoting Fed. R. Civ. P.
3 15(a)).

4 Since the motion is unopposed, it is unclear to the Court why the parties did not stipulate
5 to the amendment to avoid setting a contested motion hearing. However, as Plaintiff’s motion is
6 unopposed, the Court shall grant the motion for leave to file an amended complaint.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff’s unopposed motion to file a third amended complaint is GRANTED,
- 9 2. The November 4, 2015 hearing is VACATED and the parties are not required to
10 appear for the hearing; and
- 11 3. Plaintiff shall file the third amended complaint within five days from the date of
12 service of this order.

13 IT IS SO ORDERED.

14 Dated: October 21, 2015


UNITED STATES MAGISTRATE JUDGE

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