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

DENNIS ALBA,  
  
                            Plaintiff,  
  
            v.  
  
RONALD CROUCH; DERRICK HOOD;  
TORRES; BERTOLDO; and TULARE  
COUNTY SHERIFF’S DEPARTMENT,  
  
                            Defendants.

**Case No. 1:15-cv-01492-EPG**  
  
**ORDER AFTER HEARING ON  
DEFENDANTS’ MOTION TO DISMISS**  
  
(ECF No. 10)

On October 1, 2015, Dennis Alba (“Plaintiff”) filed a Complaint against Defendants Ronald Crouch, Derrick Hood, Torres, Bertoldo, and the Tulare County Sheriff’s Department (“Defendants”). (ECF No. 1.) The Complaint alleges that Defendants executed a search warrant on property, including a residential travel trailer, where Plaintiff was residing. Plaintiff alleges that the search warrant did not authorize Defendants to search the travel trailer. On February 1, 2016, Defendants filed a Motion to Dismiss the Complaint under Federal Rule of Civil Procedure 12(b)(6). (ECF No. 10.)

Defendants’ Motion to Dismiss came on for hearing on March 11, 2016 at 9:00 a.m. All parties appeared through counsel telephonically. At the hearing, Plaintiff made an oral motion to amend the Complaint under Federal Rule of Civil Procedure 15 to include additional allegations about the validity and contents of the search warrant. Defendants did not oppose the motion,

1 provided that Plaintiff had a good faith belief in the truth of his new allegations. Based on  
2 Defendants' statement of non-opposition, the Court GRANTS Plaintiff leave to amend the  
3 Complaint. Plaintiff shall file his first amended complaint no later than **April 11, 2016**. Any  
4 responsive pleading by Defendants shall be filed in conformance with Federal Rule of Civil  
5 Procedure 15. Defendants' Motion to Dismiss (ECF No. 10) is thus DENIED AS MOOT.

6  
7 IT IS SO ORDERED.

8 Dated: March 11, 2016

/s/ Eric P. Gray  
9 UNITED STATES MAGISTRATE JUDGE