

1 Here, Plaintiff's amended complaint is timely under Rule 15(a)(1)(B) since it was filed
2 within 21 days of the motion to dismiss. Defendants' motion now attacks a complaint that is no
3 longer operative. Ramirez, 806 F.3d at 1008. Therefore, the hearing on Defendants' motion to
4 dismiss will be vacated and the motion will be denied as moot. Id.

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6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The September 25, 2017 hearing is VACATED;
8 2. Defendants' motion to dismiss (Doc. No. 7) is DENIED as MOOT; and
9 3. Defendants may file an answer or other responsive motion or pleading to the First
10 Amended Complaint within twenty-one (21) days of service of this order.

11
12 IT IS SO ORDERED.

13 Dated: September 20, 2017



SENIOR DISTRICT JUDGE