1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 DIMAS O'CAMPO, No. 2:08-cv-1624 KJM AC PS (TEMP) 12 Plaintiff. 13 v. 14 RAGHBIR SINGH GHOMAN, dba **ORDER QUICK SHOP 2; GHOMAN'S** 15 PROPERTIES, LLC, 16 Defendants. 17 18 On February 6, 2012, plaintiff filed an amended complaint asserting one federal law claim 19 and three state law claims. (ECF No. 27.) On July 26, 2013, the assigned District Judge found 20 that plaintiff lacked standing to pursue plaintiff's one federal claim. (ECF No. 60 at 3.) 21 Accordingly, the assigned District Judge denied plaintiff's previously filed motion for summary 22 judgment, dismissed plaintiff's first amended complaint with prejudice and closed this case. (Id. 23 at 8.) 24 On November 6, 2015, the Ninth Circuit Court of Appeals issued an order finding that 25 although the "district court did not err in dismissing [plaintiff's] complaint sua sponte the 26 district court erred in dismissing the complaint with prejudice, as a dismissal for lack of 27 jurisdiction is not an adjudication on the merits." (ECF No. 67 at 4.) Accordingly, the Ninth 28 Circuit vacated the dismissal of plaintiff's amended complaint with prejudice and remanded this

1	matter "for entry of an order dismissing the complaint without prejudice." (Id.) The Ninth
2	Circuit also stated that plaintiff "may request leave to file an amended complaint." (Id.) On
3	December 11, 2015 this matter was referred to the undersigned pursuant to the appearance in
4	propria persona of defendant Raghbir Ghoman.
5	Accordingly, IT IS ORDERED that:
6	1. Plaintiff's February 6, 2012 amended complaint (ECF no. 27) is dismissed
7	without prejudice;
8	2. Plaintiff may file a motion seeking leave to file an amended complaint within
9	28 days of the date of this order; and
10	3. The Clerk of the Court shall serve this order on the defendants by mail at their
11	last known addresses.
12	DATED: January 8, 2016
13	Allison Claire
14	UNITED STATES MAGISTRATE JUDGE
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