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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL TREGLIA,

Plaintiff,

No. 2: 09-cv-0352 KJN P

vs.

DIRECTOR OF CALIFORNIA
DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

ORDER

_____ /

On July 30, 2010, plaintiff filed an amended complaint. On August 2, 2010, plaintiff filed a motion to amend. The proposed amended complaint names the same defendants as named in the original complaint. The proposed amended complaint also narrows the causes of action to two that were contained in the original complaint.

In the motion to amend, plaintiff states that his pending summary judgment motion need not be vacated if his motion is granted. Plaintiff also states that defendants need not file an amended answer as their answer addresses the claims raised in the amended complaint.

Because the amended complaint has narrowed the claims as well as renumbered them, defendants would be required to file an answer addressing the amended complaint if plaintiff's motion to amend is granted. However, the undersigned agrees with plaintiff that his


1 pending summary judgment motion need not be vacated.

2 Accordingly, IT IS HEREBY ORDERED that within fourteen days of the date of
3 this order, defendants shall file a statement of non-opposition or opposition to plaintiff's motion
4 to amend. If defendants do not oppose the motion to amend, they shall file an answer to the
5 amended complaint within that time.

6 DATED: September 2, 2010

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE