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

THEODORE GABALES,

Plaintiff,

CIV. NO. S-09-0373 MCE GGH PS

vs.

STATE OF CALIFORNIA, et al.,

Defendants.

SUMMARY ORDER

_____/

This action was referred to the undersigned pursuant to Local Rule 72-302(c)(21). Previously pending on this court’s law and motion calendar for October 29, 2009, were motions to dismiss by defendants Department of Employment Development (EDD), and Bunnell and Sanford.¹ Plaintiff appeared in pro se. Defendants were represented by Barbara Morris. After hearing oral argument and reviewing the papers, the court now issues the following summary order.

For the reasons stated at hearing, IT IS ORDERED that:

- 1. Amended motions to dismiss by defendants EDD (dkt. # 22), and Bunnell and Sanford

¹ Defendant Stephens was dismissed by earlier order, filed July 16, 2009.

1 ((dkt. #21), are vacated without prejudice to their renewal at a later time.

2 2. Plaintiff's request for leave to file an amended complaint, (dkt. # 23), is granted. The
3 complaint is dismissed, and an amended complaint shall be filed by November 20, 2009. The
4 amended complaint shall conform with the pleading requirements set forth at hearing. Failure to
5 file an amended complaint within the time specified will result in a recommendation that this
6 action be dismissed. No further extensions of time will be granted.

7 3. Defendants shall file a response to the amended complaint by December 18, 2009.

8 DATED: November 2, 2009

/s/ Gregory G. Hollows

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10 GREGORY G. HOLLOWES
U. S. MAGISTRATE JUDGE

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