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

SAMUEL SMITH,

Plaintiff,

No. CIV S-09-0648 GEB GGH PS

vs.

GMAC, et al.,

Defendants.

ORDER

_____/

Previously pending on this court’s law and motion calendar for July 30, 2009,
were defendant’s motion to dismiss and motion to strike, filed June 8, 2009.

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

1. Defendant’s motion to dismiss, (dkt. #s 12, 20), is granted.
2. Plaintiff shall file an amended complaint within thirty days of the hearing.

Failure to file an amended complaint will result in a recommendation that this action be
dismissed.

3. Defendant’s motion to strike, (dkt. #s 14, 19), is denied as unnecessary.
4. Plaintiff’s motions, (dkt. #s 28, 31, 32), are denied pending a resolution of

plaintiff’s amended complaint and responsive pleading.

DATED: 07/30/09

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH:076/Smith0648.am.wpd