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

SCOTT JOHNSTON,

No. CIV S-09-1353-FCD-CMK

Plaintiff,

vs.

ORDER

CITY OF RED BLUFF, et al.,

Defendants.

_____ /

Plaintiff brings this civil action under the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. §§ 621-634, against the City of Red Bluff and various of its employees. On February 18, 2010, the District Judge issued an order adopting the undersigned’s findings and recommendations and directing plaintiff to file an amended complaint within 30 days. Plaintiff appealed that order on March 18, 2010. On May 19, 2010, the Ninth Circuit Court of Appeals dismissed the appeal for lack of jurisdiction because dismissal of a complaint with leave to amend is not an appealable order. Because the appeal has been dismissed, jurisdiction returns to this court which will now set a new deadline for plaintiff to file an amended complaint. Plaintiff is cautioned that failure to comply may result in dismissal of the entire action. See Local Rule 110.

1 Accordingly, IT IS HEREBY ORDERED that plaintiff shall file an amended
2 complaint consistent with the court's prior orders within 30 days of the date of this order.
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4 DATED: May 24, 2010

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7 **CRAIG M. KELLISON**
8 UNITED STATES MAGISTRATE JUDGE
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