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

NANCY L. CAPORALE, et al.,

No. CIV S-09-1744-JAM-CMK

Plaintiff,

vs.

ORDER

UNITED STATES POSTAL  
SERVICE, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiffs, proceeding in this action in propria persona, bring this civil action pursuant to the Federal Tort Claims Act, 28 U.S.C. § 1346. Pending before the court is Plaintiff's motion for leave to file a second amended complaint (Doc. 12) and Defendant's motion to strike (Doc. 13).

Plaintiff filed her motion for leave without setting the motion for hearing pursuant to Local Rule 230(b). Plaintiff has filed a statement of non-opposition to the granting of the motion to strike, and has re-filed her motion for leave to amend, setting it for hearing on February 11, 2010. As there is no opposition to the motion to strike, the court finds it appropriate to grant the motion without the necessity of a hearing.

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Accordingly, IT IS HEREBY ORDERED that:

1. The hearing on the motion to strike, set for January 28, 2010, is vacated;
2. The unopposed motion to strike (Doc. 13) is granted; and
3. The Clerk of the Court is directed to strike the motion for leave to file a

second amended complaint (Doc. 12).

DATED: January 20, 2010

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