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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE EASTERN DISTRICT OF CALIFORNIA

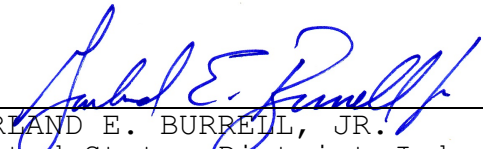
5 KATHRYN ANN KELLEY,)
6)
7 Plaintiff,) 2:10-cv-00557-GEB-DAD
8 v.) ORDER
9)
10 LARRY ALLEN, individually and in)
11 his capacity as District Attorney)
12 of Sierra County; SARAH WRIGHT,)
13 individually and in her capacity)
14 as employee of the County of)
Sierra; COUNTY OF SIERRA; SIERRA)
COUNTY DISTRICT ATTORNEY'S OFFICE;)
and SIERRA COUNTY SHERIFF'S)
DEPARTMENT,)
Defendants.)

15 The parties' Joint Status Report filed on July 12, 2010
16 ("JSR") reveals that this case is not ready to be scheduled, since
17 Plaintiff states in the JSR she "has sought a stipulation from
18 Defendants allowing her to file an Amended Complaint" and that
19 "[s]hould Defendant not so stipulate, Plaintiff will seek leave of the
20 court to amend the Complaint." (JSR 2:12-14.) Plaintiff further
21 states, "If an agreement is reached, an Amended Complaint will be
22 filed forthwith." (Id. 2:15-16.)

23 Based on Plaintiff's representation, Defendants' pending
24 Motion to Dismiss (Docket No. 9) is deemed withdrawn and can be re-
25 noticed for hearing if Plaintiff fails to file a First Amended
26 Complaint as indicated. To hold otherwise risks having the Court
27 spend time on a motion that would become moot after a properly amended
28 complaint is filed.

1 Further, the Status (Pretrial Scheduling) Conference set for
2 July 26, 2010 is continued to October 4, 2010, at 9:00 a.m. A further
3 joint status report shall be filed no later than 14 days prior to the
4 Status Conference.

5 Dated: July 13, 2010

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8 GARLAND E. BURRELL, JR.
9 United States District Judge
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