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

JOSEPHINE OKWU,)	
)	2:10-cv-00653-GEB-KJM
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
CALIFORNIA DEPARTMENT OF)	
TRANSPORTATION,)	
)	
Defendant.)	
_____)	

The parties' Joint Status Report filed on June 24, 2010 ("JSR") reveals that this case is not ready to be scheduled, since Plaintiff states in the JSR she "will be filing a first amended complaint to address the issues presented in defendant's pending motion to dismiss. The First Amended Complaint will be filed before the July 19, 2010 hearing date." (Docket No. 17, 11:3-4.)

Based upon Plaintiff's representation, Defendant's pending Motion to Dismiss (Docket No. 13) is deemed withdrawn and can be re-filed if Plaintiff fails to file a First Amended Complaint under Federal Rule of Civil Procedure 15(a), as indicated. To hold otherwise risks having the Court spend time on a motion that would become moot after a properly amended complaint is filed.

Further, the Status (Pretrial Scheduling) Conference set for July 12, 2010 is continued to September 20, 2010, at 9:00 a.m. A

1 further joint status report shall be filed no later than 14 days prior
2 to Status Conference.

3 IT IS SO ORDERED.

4 Dated: July 1, 2010

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