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

DANIEL THOMAS HARVEY,

Plaintiff,

No. CIV S-10-1653 GEB EFB PS

vs.

CITY OF SOUTH LAKE TAHOE;
EL DORADO COUNTY; ANDREW
EISSINGER; CHARLES DUKE,

Defendants.

ORDER

This action, in which plaintiff is proceeding pro se, is before the undersigned in accordance with 28 U.S.C. § 636(b)(1) and Eastern District of California Local Rule 302(c)(21). On September 26, 2011, plaintiff filed a motion for a hearing. Dckt. No. 36. However, on September 27, 2011, the assigned district judge issued an order dismissing plaintiff's first amended complaint in its entirety, with leave to amend as to some of plaintiff's claims. Dckt. No. 35. Plaintiff has not yet filed a second amended complaint, as authorized therein. Therefore, there is currently no operative complaint in this action.

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1 Accordingly, plaintiff's request for a hearing, Dckt. No. 36, is denied.¹

2 Dated: October 5, 2011.

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4 EDMUND F. BRENNAN
5 UNITED STATES MAGISTRATE JUDGE
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25 ¹ Plaintiff's request for a hearing also fails to comply with this court's Local Rules and
26 appears to be based on new factual allegations that were not alleged in plaintiff's first amended
complaint and are not authorized to be included in any second amended complaint plaintiff files.
See Dckt. No. 33 at 17:17; Dckt. No. 35 at 2.