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

STAFFORD B. DAVIS,

Plaintiff,

No. CIV S-10-2003 FCD EFB PS

vs.

THE JOHN STEWART COMPANY,

Defendant.

ORDER

This case is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1). On December 9, 2010, the undersigned issued a status (pretrial scheduling) order which, among other things, provided plaintiff until January 10, 2011 to file a motion for leave to amend his complaint. Dckt. No. 14 at 2. On January 4, 2011, plaintiff filed such a motion, along with a proposed amended complaint. Dckt. No. 15. Plaintiff noticed the motion for hearing on February 9, 2011. *Id.*

On January 26, 2011, defendant filed a statement of non-opposition to plaintiff's complaint. Dckt. No. 18. In light of that non-opposition, as well as the liberal amendment standards set forth in Federal Rule of Civil Procedure 15(a)(2), plaintiff's motion to amend will be granted.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff's motion to file an amended complaint, Dckt. No. 15, is granted;

3 2. The February 9, 2011 hearing on plaintiff's motion to amend is vacated;

4 3. As required by Local Rule 220, within fourteen days from the date this order is filed,
5 plaintiff shall file a copy of the proposed amended complaint, which is currently attached to
6 plaintiff's motion as Exhibit A, as a separate docket entry; and

7 4. Defendant shall file a response to plaintiff's amended complaint within fourteen days
8 after the amended complaint appears on the electronic docket.

9 DATED: February 1, 2011.

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11 EDMUND F. BRENNAN
12 UNITED STATES MAGISTRATE JUDGE
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