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

FLOYD KNAPP,

Plaintiff,

CIV. NO. S-10-2889 KJM GGH PS

vs.

JP MORGAN CHASE BANK, N.A., et al.,

Defendants.

ORDER

_____ /

Presently before the court is defendants’ motion to dismiss, filed November 3, 2010, and re-noticed on March 24, 2011. Plaintiff filed an opposition, to which defendants have filed a reply.¹ Plaintiff also has filed a proposed amended complaint which he has attached to his opposition, and for which he seeks leave to amend. (Opp., Ex. 1.) That request will be granted.

Accordingly, IT IS ORDERED that:

- 1. Defendants’ motion to dismiss, filed November 3, 2010, (dkt. # 5), as amended on March 24, 2011, (dkt. # 21), is vacated as moot.
- 2. Plaintiff’s request to file an amended complaint is granted. The proposed amended complaint, filed January 28, 2011, (dkt. # 15, Ex. 1), is deemed filed as of the filed date of this order.

¹ Because oral argument was determined to not be of material assistance, these matters were submitted on the briefs. E.D. Cal. L.R. 230(g).

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3. Defendants shall file and serve a response to the amended complaint within 28 days of this order.

DATED: May 19, 2011

/s/ Gregory G. Hollows

U. S. MAGISTRATE JUDGE

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