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

JOSEPH A. SHERMAN,

Plaintiff,

No. CIV S-11-0820 JAM GGH PS

vs.

CITY OF DAVIS,

Defendant.

ORDER

_____ /

Defendant’s motion to strike presently is calendared for hearing on April 26, 2012. Having reviewed the record, the court has determined that oral argument would not be of material assistance in determining the pending motion. Accordingly, the court will not entertain oral argument, but has reviewed the motion.

Defendant’s motion seeks to strike plaintiff’s amended complaint, filed on March 14, 2012, as either premature or at odds with this court’s findings and recommendations. Those findings, issued March 6, 2012, recommended that defendant’s motion to dismiss be granted, and plaintiff’s complaint be dismissed with leave to amend. Defendant correctly points out that those findings have not yet been reviewed by the district court, and an amended complaint may not be filed unless and until the district court adopts the findings and recommendations. A cursory review of the amended complaint indicates that plaintiff has not followed the directives

