

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESUDAS K. CHACKO,
Plaintiff,
v.
CITY OF SACRAMENTO,
Defendant.

No. 2:12-cv-2881-MCE-JFM (PS)

ORDER

By order filed August 5, 2013, plaintiff’s complaint was dismissed and thirty days leave to file an amended complaint was granted. On September 4, 2013, plaintiff filed a document styled as a “request for mercy of the honorable court.” ECF No. 15. In his request, plaintiff asks this court to “reestablish[] the compassion of the City of Sacramento in giving [him] the original offer made through EEOC and some for hardships.” Id. The document appears to be a request to settle this action for the amount originally offered during the parties’ EEOC proceedings. Therefore, defendant will be directed to respond to plaintiff’s request to settle this action. Plaintiff’s deadline for filing an amended complaint will be stayed pending resolution of plaintiff’s September 4, 2013, request. Upon resolution, the court will issue an order setting a new deadline for the filing of plaintiff’s first amended complaint, if necessary.

/////
/////

1 On October 8, 2013, defendant filed a motion to dismiss based on plaintiff's failure to file
2 an amended complaint. ECF No. 16. In light of this order, defendant's motion will be denied
3 without prejudice to re-noticing the motion, when and if appropriate.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Defendant shall respond to plaintiff's September 4, 2013, request (ECF No. 15) within
6 fourteen days of the date of this order;

7 2. Plaintiff's deadline for filing an amended complaint is stayed pending resolution of
8 plaintiff's September 4, 2013, request; and

9 3. Defendant's October 8, 2013, motion to dismiss (ECF No. 16) is denied without
10 prejudice to re-noticing the motion.

11 DATED: October 10, 2013.

12 
13 EDMUND F. BRENNAN
14 UNITED STATES MAGISTRATE JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28