IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

BRUCE A. MULLINS &
WORLANDA F. MULLINS,

Plaintiffs, No. 2:13-cv-0453 JAM KJN PS

v.

WELLS FARGO BANK, N.A.,

Defendant. ORDER

_____/

On May 28, 2013, the court granted defendant Wells Fargo's motion to dismiss, but granted plaintiffs leave to file an amended complaint in accordance with the court's order within 28 days. (ECF No. 15.) Thereafter, on June 25, 2013, plaintiffs filed a motion for leave to amend their complaint, attaching a proposed first amended complaint. (ECF Nos. 16, 16-1.) However, plaintiffs' motion is moot, because the court has already granted them leave to file an amended complaint, and plaintiffs' proposed first amended complaint was timely filed.[1]

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiffs' motion for leave to amend their complaint (ECF No. 16) is DENIED AS MOOT.

[1] The court does not determine, at this juncture, whether the first amended complaint complies with the court's prior order and states a claim(s) for which relief may be granted.

2. Plaintiffs' proposed first amended complaint (ECF No. 16-1) is deemed filed as the operative first amended complaint.

3. Defendant Wells Fargo shall respond to plaintiffs' first amended complaint within 21 days of this order.

IT IS SO ORDERED.

DATED: July 1, 2013

KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE