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UNITED STATES DISTRICT COURT

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FOR THE EASTERN DISTRICT OF CALIFORNIA

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10 SARAH R. NOVO,

NO. CIV. S-13-0521 LKK/AC

11 Plaintiff,

12 v.

O R D E R13 CITY OF SACRAMENTO,
14 ANGELIQUE ASHBY,

15 Defendants.

_____ /

16 On March 15, 2013, plaintiff Sarah R. Novo filed her initial
17 complaint herein against defendants Angelique Ashby and City of
18 Sacramento. Defendants now move to dismiss and to strike portions
19 of the complaint pursuant to Federal Rule of Civil Procedure 12.
20 A hearing on these motions is currently scheduled for June 17,
21 2013. (ECF No. 6.)

22 On June 3, 2013, plaintiff filed a document entitled
23 "Response," and on June 4, 2013, an amendment to this "Response."
24 (ECF Nos. 9, 10.) These filings include a belated attachment to the
25 complaint, purport to dismiss a claim against defendant City, and
26 contain some legal argument in opposition to defendants' motions.

1 Local Rule 220 provides:

2 Unless prior approval to the contrary is obtained from
3 the Court, every pleading to which an amendment or
4 supplement is permitted . . . shall be retyped and filed
5 so that it is complete in itself without reference to
6 the prior or superseded pleading. No pleading shall be
deemed amended or supplemented until this Rule has been
complied with. All changed pleadings shall contain
copies of all exhibits referred to in the changed
pleading.

7 While the time to file an amended complaint as a matter of course
8 under Federal Rule of Civil Procedure 15 has expired, it appears
9 that portions of plaintiff's "Response" are germane to the issues
10 raised in defendants' motions. Accordingly, the court will grant
11 plaintiff leave to file an amended complaint, and will forego
12 ruling on defendants' motions. Defendants may renew their motions,
13 if they wish, after plaintiff files the amended complaint.


14 The court hereby ORDERS as follows:

15 1. Plaintiff is GRANTED leave to file a First Amended
16 Complaint no later than seven (7) days after entry of this order.
17 Defendants are to file responsive pleadings or motions thereto
18 within the times provided for by the Federal Rules of Civil
19 Procedure.

20 2. The hearing on defendants' motion to dismiss and motion to
21 strike, currently set for June 17, 2013 at 10:00 a.m., is hereby
22 VACATED.

23 IT IS SO ORDERED.

24 DATED: June 7, 2013.

25 
LAWRENCE K. KARLTON
26 SENIOR JUDGE
UNITED STATES DISTRICT COURT