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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEROME CLAY,
Plaintiff,
v.
AT&T COMMUNICATIONS, et al.,
Defendants.

No. 2:13-cv-1028 GEB CKD PS

ORDER

Plaintiff is proceeding pro se. On July 11, 2013, defendant Communication Workers filed a motion to dismiss. On August 6, 2013, plaintiff filed a first amended complaint. Under Federal Rule of Civil Procedure 15(a)(1)(B), plaintiff's right to amend as a matter of right expired 21 days after service of defendant's motion. The filing of the first amended complaint is therefore untimely and the first amended complaint will be stricken.¹ Plaintiff is reminded that under the order filed August 8, 2013, opposition to the motion to dismiss must be filed no later than September 4, 2013.


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¹ The court notes that the first amended complaint does not cure the deficiencies raised by defendant's motion to dismiss.

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Accordingly, IT IS HEREBY ORDERED that the first amended complaint (ECF No. 21) is stricken.

Dated: August 13, 2013



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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