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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VELDEMETRIC R. THOMAS,
Plaintiff,
v.
HOME DEPOT U.S.A., INC.,
Defendant.

No. 2:13-cv-02250-TLN-AC

ORDER

This matter is before the undersigned pursuant to Local Rule 302(c)(21). On March 30, 2015, the court issued an order and findings and recommendations, ordering plaintiff's unauthorized fourth and fifth amended complaints, ECF Nos. 53, 54, stricken and recommending that defendant's motion to dismiss be granted in part and denied in part. ECF No. 57. On April 13, 2015, before the district judge responded to the undersigned's findings and recommendations, plaintiff filed another unauthorized fourth amended complaint. ECF No. 59. On April 30, 2015, defendant filed a motion to dismiss plaintiff's fourth amended complaint. ECF No. 61. On May 11, 2015, the presiding district judge adopted plaintiff's findings and recommendations in full, dismissing the majority of plaintiff's claims and ordering her to file a fourth amended complaint within thirty (30) days. ECF No. 62.


Plaintiff's fourth amended complaint was filed before the undersigned's findings and recommendations were adopted by the presiding district judge and without leave of the court in

1 violation of Federal Rule 15(a). Accordingly, the court will order plaintiff's fourth amended
2 complaint stricken and deny defendant's motion to dismiss as moot. **Plaintiff must file an**
3 **amended complaint within thirty days in accordance with the district judge's order to**
4 **proceed with this matter.**

5 In accordance with the foregoing, THE COURT HEREBY ORDERS that:

- 6 1. Plaintiff's fourth amended complaint, ECF No. 59, is STRICKEN; and
- 7 2. Defendant's motion to dismiss, ECF No. 61, is DENIED as moot.

8 DATED: May 12, 2015

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10 ALLISON CLAIRE
11 UNITED STATES MAGISTRATE JUDGE
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