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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOYLE DEAN HARTLAND,
Plaintiff,
v.
NATIONAL UNIVERSITY,
Defendant.

No. 2:14-cv-0635 KJM AC (PS)

ORDER

Plaintiff is proceeding in this action in pro per. This matter was accordingly referred to the undersigned by E.D. Cal. R. 302(c)(21). This action is proceeding on plaintiff’s Second Amended Complaint (ECF No. 63). The undersigned has recommended that defendant’s motion to dismiss that complaint be denied, and that recommendation is pending. See ECF No. 74.

Plaintiff has since filed a Third Amended Complaint. See ECF No. 80. Because the Second Amended Complaint is currently under consideration by the district judge presiding over this matter, the Third Amended Complaint will be ordered stricken from the docket.¹

For the reasons set forth above, IT IS HEREBY ORDERED that:


- 1. The Clerk of the Court shall STRIKE the Third Amended Complaint (ECF No. 80), from the docket; and

¹ Even if the operative complaint had not been under consideration by the district judge, plaintiff had no authority to amend it without either leave of court, or defendant’s consent. See Fed. R. Civ. P. 15(a)(2).

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2. The Status (Pretrial Scheduling) Conference, currently scheduled for January 18, 2017,
is CONTINUED to May 17, 2017, at 10:00 a.m., before the undersigned.

DATED: December 28, 2016



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE