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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SEAN O'NEAL,
Plaintiff,
v.
AUGUST JOHNSON, et al.,
Defendants.

No. 2:14-cv-2374 GEB DAD PS

ORDER

Plaintiff Sean O'Neal is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).

On October 9, 2014, defendants removed this action from the Sacramento County Superior court to this court. On October 20, 2014, plaintiff filed a motion for leave to file a fifth amended complaint, along with a copy of the proposed fifth amended complaint, and noticed the matter for hearing before the undersigned on December 12, 2014. (Dkt. No. 6.)

However, the court has been advised that the defendants do not oppose plaintiff's motion. Accordingly, the court finds that hearing of plaintiff's motion is unnecessary.

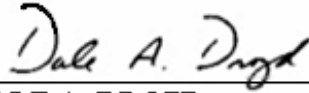
Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's October 20, 2014 motion for leave to amended (Dkt. No. 6) is granted.
2. The proposed fifth amended complaint shall be deemed the operative complaint in this action.

1 3. Defendants shall file a response to the fifth amended complaint within 21 days of the
2 date of this order.

3 4. The hearing of plaintiff's October 20, 2014 motion is dropped from the December 12,
4 2014 law and motion calendar.

5 Dated: November 5, 2014

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8 DALE A. DROZD
9 UNITED STATES MAGISTRATE JUDGE

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