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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHAD J. ROMINE,  
Plaintiff,  
v.  
BIG O TIRES CORPORATE  
HEADQUARTERS, et al.,  
Defendants.

No. 2:15-cv-0401 GEB DAD PS

ORDER

Plaintiff, Chad Romine, 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). Plaintiff commenced this action on February 20, 2015, by filing a complaint and paying the required filing fee.

On March 27, 2015, defendants filed motions to dismiss pursuant to Federal Rule of Civil Procedure 12(b) and noticed the motions for hearing before the undersigned. (Dkt. Nos. 11 & 12.) Those motions are scheduled to be heard on the court’s May 15, 2015 calendar. However, on April 10, 2015, plaintiff filed a motion for leave to amend together with a proposed amended complaint.<sup>1</sup> (Dkt. No. 13.)

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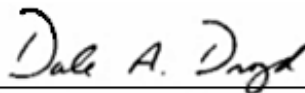
<sup>1</sup> On May 8, 2015, plaintiff filed a second proposed first amended complaint. (Dkt. No. 19.)

1 A party is entitled to amend its pleading once as a matter of course within twenty-one  
2 days after service of either a responsive pleading or a motion under Rule 12(b), (e), or (f),  
3 whichever is earlier. FED. R. CIV. P. 15(a) (1)(B).

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's April 10, 2015 motion for leave to amend (Dkt. No. 13) is granted;
- 6 2. The first amended complaint filed May 8, 2015, (Dkt. No. 19) shall become the  
7 operative pleading; and
- 8 3. Defendants' March 27, 2015 motions to dismiss (Dkt. Nos. 11 & 12) are  
9 denied without prejudice to renewal and are dropped from the court's May 15, 2015 calendar.

10 Dated: May 12, 2015

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13 DALE A. DROZD  
14 UNITED STATES MAGISTRATE JUDGE

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