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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID CRAMER,
Plaintiff,
v.
CITY OF AUBURN, et al.,
Defendants.

No. 2:15-cv-0462 KJM AC (PS)

ORDER

Defendants have moved to dismiss the first amended complaint. ECF No. 12. When plaintiff failed to oppose the motion in a timely manner, the court ordered him to show cause why the case should not be dismissed for lack of prosecution. ECF No. 14.

1. Plaintiff has now filed an opposition to the motion to dismiss. ECF No. 15. Accordingly, the Order To Show Cause will be discharged, and the motion will be set for a hearing.

2. Plaintiff has filed a "Motion To Continue," in which he apparently asks that the court stay this case based upon his assertion that he has filed a petition for habeas corpus. ECF No. 16. This motion will be discussed at the hearing on defendant's motion to dismiss.

3. Plaintiff has filed a motion to amend his first amended complaint. ECF No. 17. The motion will be denied. Plaintiff has already amended his complaint once, and should refrain from further attempts to amend until the motion to dismiss has been resolved. In addition, the motion

1 is not in proper form, as plaintiff has not attached a proposed amendment, as required by E.D.
2 Cal. R. 137(c).

3 Accordingly, IT IS HEREBY ORDERED that:


4 1. The Order To Show Cause (ECF No. 14), is DISCHARGED;

5 2. Defendant's Motion To Dismiss (ECF No. 12), shall be heard on November 18, 2015,
6 at 10:00 a.m. in Courtroom No. 26;

7 3. Plaintiff's Motion To Continue (ECF No. 16) will be considered at the above hearing
8 on defendant's Motion To Dismiss. If defendant wishes to file a response, it shall do so no later
9 than November 4, 2015 at 4:30 p.m.

10 4. Plaintiff's Motion To Amend (ECF No. 17) is DENIED without prejudice. Plaintiff is
11 instructed to refrain from filing any further motion to amend until defendant's Motion To Dismiss
12 has been resolved.

13 DATED: October 13, 2015

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15 ALLISON CLAIRE
16 UNITED STATES MAGISTRATE JUDGE
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