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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID HAMILTON,
Plaintiff,
v.
K. CORUJO,
Defendant.

No. 2:17-cv-0817 KJN P

ORDER

Plaintiff filed a motion for extension of time to file and serve his amended complaint. Additionally, plaintiff's motion for extension of time to oppose the removal of this action from state court, and his opposition to the removal and request for remand are pending.

Defendant filed the notice of removal on April 18, 2017. Under 28 U.S.C. § 1447(c), any motion for remand is due thirty days after the filing of the notice of remand. Plaintiff's opposition and request for remand was filed on May 5, 2017, within the thirty day deadline. Thus, his motion for extension of time to oppose the removal is unnecessary and is denied as moot. Defendant shall file a response to the opposition and request for remand within fourteen days from the date of this order. In light of plaintiff's request to remand, his request for extension of time to file an amended complaint is granted. Plaintiff is relieved of his obligation to file an amended complaint until his opposition to the removal is resolved.

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Good cause appearing, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for an extension of time to file an opposition to the notice of removal (ECF No. 9) is denied;
2. Defendant shall file a response to plaintiff's opposition and request for remand (ECF No. 7) within fourteen days;
3. Plaintiff's motion for an extension of time to file his amended complaint (ECF No. 10) is granted; and
4. Plaintiff is relieved of his obligation to file an amended complaint until further order of court.

Dated: May 23, 2017


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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