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Accordingly, IT IS HEREBY ORDERED that:

1. Defendant’s February 6, 2020 motion to dismiss (ECF No. 7) is denied without prejudice to renewal as having been rendered moot; and
2. The May 8, 2020 hearing of defendant’s motion to dismiss is vacated.

Also, IT IS HEREBY RECOMMENDED that defendant Harry Luong be dismissed from this action.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections shall be served and filed within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: April 15, 2020

  
DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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