

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KYLE ANDERSON,

No. C 08-1441 SI

Plaintiff,

**ORDER GRANTING UNOPPOSED
MOTION FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT**

v.

FEDERAL EXPRESS CORPORATION,

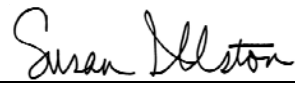
Defendant.

Plaintiff has filed a motion for leave to file a second amended complaint to remove claims under 42 U.S.C. § 1981 and 42 U.S.C. § 2000(e) *et seq.* of Title VII of the Civil Rights Act of 1964. Defendant does not oppose the motion, provided that plaintiff agrees to dismiss all federal claims with prejudice. Defendant's non-opposition also states that because defendant removed this case on the basis of diversity jurisdiction, plaintiff's dismissal of federal claims does not affect this Court's jurisdiction. Plaintiff filed a reply agreeing to dismiss all federal claims with prejudice.

Accordingly, the Court GRANTS the motion. (Docket No. 14). Plaintiff shall file a dismissal and a second amended complaint no later than **September 26, 2008**.

IT IS SO ORDERED.

Dated: September 22, 2008



SUSAN ILLSTON
United States District Judge