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

ANTHONY CHRISANTHIS,

No. C 08-02472 WHA

Plaintiff,

v.

ORDER FOR RESPONSE

DR. BRIAN CASON, IRVING SPIVEY,
and DOES 1 to 10,

Defendants.

On August 4, 2008, defendants filed a “Motion to Dismiss or, in the Alternative, for Summary Judgment.” (Dkt. No. 15). The hearing for defendants’ motion was originally set for September 11, 2008. Plaintiff submitted no opposition. On August 22, 2008, defendants filed a “Reply and Notice of Non-Receipt of Opposition to Motion to Dismiss or, in the Alternative, for Summary Judgment.” (Dkt. No. 24). On August 25, 2008, plaintiff submitted a request for leave to file a late response to defendants’ motion to dismiss. (Dkt. No. 26). In an August 28, 2008 Order, this Court granted plaintiff’s motion and extended the deadline for plaintiff’s opposition to September 2, 2008, and reset the hearing for September 18, 2008.

Instead of filing an opposition, on September 2, 2008 plaintiff filed a First Amended Complaint. Defendants have yet to file a responsive pleading and therefore plaintiff may amend the complaint once as a matter of course. Fed. R. Civ. P. 15(a)(1)(A).

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The Court hereby orders defendants to update the Court regarding the status of their pending Motion to Dismiss and the need for the September 18, 2008 hearing, given plaintiff's amended pleading.

IT IS SO ORDERED.

Dated: September 8, 2008



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE