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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 MAURICE D. YARBER,
12 Plaintiff,

13 v.

14 COUNTY OF SANTA CLARA PROBATION
15 DEPARTMENT,
16 Defendant
17

No. C-09-2298 MMC

**ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND COMPLAINT;
SETTING DEADLINE FOR PLAINTIFF
TO FILE FIRST AMENDED COMPLAINT;
EXTENDING DEADLINE FOR
DEFENDANT TO FILE RESPONSE TO
OPERATIVE PLEADING; DIRECTIONS
TO PLAINTIFF RE: SERVICE OF
DOCUMENTS ON DEFENDANT**

18 Before the Court is plaintiff Maurice D. Yarber's ("Yarber") Motion to Amend Civil
19 Rights Complaint, filed August 11, 2009.

20 As Yarber notes in his motion, defendant County of Santa Clara Probation
21 Department ("County") has not filed a response to Yarber's initial complaint, and, under
22 such circumstances, Yarber is entitled to amend his complaint. See Fed. R. Civ. P. 15(a).

23 Accordingly, the motion is hereby GRANTED, and the deadline for Yarber to file any
24 First Amended Complaint is September 4, 2009. If, as of September 4, 2009, Yarber has
25 not filed a First Amended Complaint, the above-titled action shall proceed on the initial
26 complaint filed by Yarber on May 22, 2009.


27 The deadline for the County to file a response to the operative pleading is hereby
28 EXTENDED to September 25, 2009.

1 Finally, the Court notes that Yarber served the instant motion on the County directly.
2 Because the County is now represented by counsel, Yarber is hereby DIRECTED to serve
3 all future filings solely on the County's counsel of record, at the following address:

4 Marcy L. Berkman
5 Deputy County Counsel
6 Office of the County Counsel
70 West Hedding, East Wing, 9th Floor
San Jose, California 95110-1770

7 **IT IS SO ORDERED.**

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9 Dated: August 14, 2009

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11 MAXINE M. CHESNEY
12 United States District Judge
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