

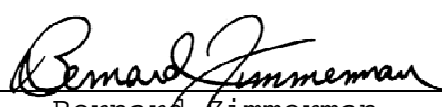
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ARCHIE LEE GATES,	)	
	)	
Plaintiff(s),	)	No. C10-0972 BZ
	)	
v.	)	
	)	<b>ORDER</b>
CARQUEST CORPORATION,	)	
	)	
Defendant(s).	)	
	)	
_____	)	

In view of the parties stipulating to an amended complaint (Docket No. 37), **IT IS HEREBY ORDERED** that the motion to dismiss or transfer (Docket No. 13 ) is **DENIED AS MOOT**. The hearing scheduled for October 20, 2010 is **VACATED**.

Dated: September 20, 2010

  
 \_\_\_\_\_  
 Bernard Zimmerman  
 United States Magistrate Judge

G:\BZALL\BZCASES\GATES V. CARQUEST\ORDER VACATING HEARING AND DENYING MOT TO DISMISS AS MOOT.wpd