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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES B. PORTER,

Plaintiff,

v.

GREGORY ENT, et al.

Defendants.

No. 11-01763-EDL

**ORDER REGARDING AMENDED
COMPLAINT**

In response to Defendant’s motion to dismiss, on June 27 Plaintiff filed a document entitled “Permission to Amend Complaint” and attached an Amended Complaint. Plaintiff is entitled to amend his complaint as a matter of course within 21 days after service of a responsive pleading pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), so the Court construes the June 27 Complaint as the operative complaint in this action. Therefore, Defendant’s motion to dismiss is moot and the briefing schedule previously set by the Court is vacated. Pursuant to Rule 15(a)(3), Defendant has fourteen days from *service* of the amended complaint in which to file a responsive pleading. Plaintiff did not file a proof of service with his amended complaint so it is unclear when or if this document was served on Defendant. Plaintiff is hereby Ordered to properly serve Defendant with the amended complaint and file a proof of service of the amended complaint with the Court. Defendant shall have fourteen days from the date of service in which to respond.

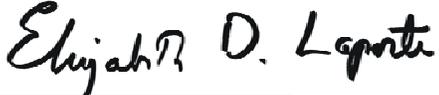
United States District Court
For the Northern District of California

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In light of their pro se status, both parties are encouraged to contact the pro se help desk of this Court, information about which can be found on the Court's website or by calling 415-782-9000.

IT IS SO ORDERED.

Date: July 5, 2011


ELIZABETH D. LAPORTE
United States Magistrate Judge