Smith v. Office of the Attorney General for the State of California et al Doc. 56

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES D. SMITH,

Plaintiff,

v.

OFFICE OF THE ATTORNEY GENERAL, ET AL.,

Defendants.

_____/

No. C 12-02463 JSW

ORDER RE PENDING MOTIONS AND FINAL COMPLAINT

Due to the multiple amended complaints and motions filed in this matter and in order to clarify, the Court HEREBY ORDERS as follows:

(1) the operative complaint is the fifth amended complaint received by the Court on October 19, 2012 (docket no. 51), which shall be deemed filed as of the date of this Order;

(2) Defendants' successive motion to dismiss is rendered MOOT by the filing of an amended complaint (docket no. 43) and the hearing set for November 9, 2012 is HEREBY VACATED;

(3) Defendants' responsive pleading is due no later than 14 days after service of this Order and shall set a hearing date on a date open on this Court's calendar;

(4) Plaintiff's motion to expedite a hearing before the Ninth Circuit Court of Appeals is improperly filed before this Court and is DENIED (docket no. 49);

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(5) Plaintiff's fifth amended complaint names the parties he intends to sue and thus MOOTS Plaintiff's request for a change of case name (docket no. 53);

(6) the fifth amended complaint shall be the LAST iteration of the complaint filed in this matter. An opposition to Defendants' responsive pleading shall be filed by Plaintiff within 14 days of the filing of Defendants' pleading or this case shall be DISMISSED.

IT IS SO ORDERED.

Dated: November 5, 2012

JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

JAMES D SMITH,

Plaintiff,

v.

OFFICE OF THE ATTORNEY GENERAL
et al,

Defendant.
_____/

Case Number: CV12-02463 JSW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 5, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

James D. Smith
705 N. State Street #547
Ukiah, CA 95482

Dated:

Jennifer Ottolini

Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk