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4 IN THE UNITED STATES DISTRICT COURT  
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
6

7 LATONYA R. FINLEY,  
8 Plaintiff,

No. C 14-00908 CRB

**ORDER**

9 v.

10 JUDGE THOMAS REARDON,  
11 Defendant.  
12 \_\_\_\_\_ /

13 On April 29, 2014 Defendants filed motions to dismiss. Dkts. 23, 24, 27. On June 2,  
14 2014 Plaintiff filed an Amended Complaint. Dkt. 52. Federal Rule of Civil Procedure  
15 15(a)(1)(b) requires that any amendment to pleadings occur within 21 days after service of a  
16 responsive pleading or a Rule 12 motion, whichever is earlier. Here, more than 21 days  
17 elapsed from the date of service on the Rule 12 motions until Plaintiff filed the Amended  
18 Complaint. Therefore, for purposes of the pending motions, the Court will not consider the  
19 Amended Complaint and the original Complaint (“Petition for Writ of Certiorari”) (dkt. 1) is  
20 the operative complaint. Briefing on the pending motions has been completed and the Court  
21 will hear oral argument, as scheduled, at 10:00 AM on July 11, 2014.

22 **IT IS SO ORDERED.**

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25 Dated: June 2, 2014



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27 CHARLES R. BREYER  
28 UNITED STATES DISTRICT JUDGE