

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JEREMY NEWMAN,  
Plaintiff,

No. C 16-06477 WHA

v.

UNITED STATES OF AMERICA, and  
ONASSIS BATISTA,  
Defendants.

**ORDER RE PENDING  
MOTION TO DISMISS**

On August 1, defendants United States of America and Onassis Batista, filed a motion to dismiss the complaint (Dkt. No. 32). On August 15, plaintiff Jeremy Newman filed an amended complaint (Dkt. No. 39). By **AUGUST 22 AT NOON**, defendants shall please advise the Court as to whether the pending motion to dismiss should be denied as moot, or whether defendants would prefer to proceed on said motion as if it were directed to the amended complaint. If the latter, then a new briefing and hearing schedule will be set accordingly.

**IT IS SO ORDERED.**

Dated: August 16, 2017.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE