UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

HUGO TAPIA,

Plaintiff,

v.

SCHIFFMAN'S INC., et al.,

Defendants.
_____/

No. C 13-0375 PJH

ORDER

Plaintiff Hugo Tapia filed the complaint in this action on January 25, 2013, against defendants Schiffman's Inc., and Shreve & Co., Jewelers, Ltd. Both defendants were served on February 8, 2013, and both defendants filed answers to the complaint on February 28, 2013. On March 26, 2013, plaintiff filed a first amended complaint ("FAC").

Under Federal Rule of Civil Procedure 15(a), a plaintiff may amend the complaint once as of right within 21 days after serving it, or within 21 days after service of an answer or a motion under Rule 12(b), (e), or (f). Otherwise, the plaintiff must obtain either a written stipulation from the defendants or leave of court. Here, the FAC was filed 26 days after defendants filed their answers, but plaintiff did not obtain leave of court, and no stipulation was filed.

Because the FAC was not filed in accordance with Rule 15(a), the court orders it STRICKEN.

IT IS SO ORDERED.

Dated: April 1, 2013

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PHYLLIS J. HAMILTON
United States District Judge