

1
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA

4 **CONNIE WONG,**

5 Plaintiff,

6 v.

7 **JOHN M. MCHUGH, SECRETARY OF THE**
8 **ARMY, ET AL.,**

9 Defendants.

Case No. 15-cv-01127-YGR

**ORDER DENYING MOTIONS TO DISMISS AS
MOOT**

Re: Dkt. Nos. 23, 38


10 The initial complaint in this action was filed on March 16, 2015. (Dkt. No. 1
11 (“Complaint”).) On May 21, 2015, defendants Michigan Department of Military and Veterans
12 Affairs and Gregory Vadnais (“Michigan Defendants”) filed a Motion to Dismiss the Complaint.
13 (Dkt. No. 23.) Plaintiff filed an opposition thereto on June 11, 2015. (Dkt. No. 34.) Thereafter,
14 on July 9, 2015, defendants Deborah Lee James, John M. McHugh, David S. Baldwin, Matthew
15 Beevers, Jon K. Kelk, Randall Ball, Nathaniel S. Reddicks, Steven Butow, Thomas Keegan,
16 William Martin, Sean Maltbie, Ronald W. Wilson, and the California Military Department
17 (“Federal Defendants”) also filed a Motion to Dismiss the Complaint. (Dkt. No. 38.)

18 On July 23, 2015, the plaintiff filed an amended complaint pursuant to Federal Rule of
19 Civil Procedure 15(a)(1)(B). (Dkt. No. 40 (“FAC”).) Thereafter, the Federal Defendants filed a
20 notice of withdrawal of their motion to dismiss. (Dkt. No. 43.) The Michigan Defendants have
21 yet to file such a notice. In light of the filing of the FAC, the Michigan Defendants’ Motion to
22 Dismiss is **DENIED** as moot. The hearing set for August 18, 2015 is therefore **VACATED**.

23 This Order terminates Docket Number 23.

24 **IT IS SO ORDERED.**

25 Dated: July 29, 2015

26 
27 YVONNE GONZALEZ ROGERS
28 UNITED STATES DISTRICT COURT JUDGE