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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRANDON T. WILLIAMS,  
Plaintiff,  
v.  
HECTOR PEREZ, et al.,  
Defendants.

Case No. [4:16-cv-04143-KAW](#)

ORDER GRANTING PLAINTIFF'S  
MOTION FOR LEAVE TO FILE A  
SECOND AMENDED COMPLAINT

Re: Dkt. No. 21

On April 1, 2017, Defendant Richmond Housing Authority filed a motion to dismiss Plaintiff Brandon Williams's first amended complaint. (Dkt. No. Re: Dkt. No. 16.) On April 17, 2017, Plaintiff filed a motion seeking leave to file an amended complaint. (Dkt. No. 21.) On April 19, 2017, Defendant filed a notice of non-opposition, and provided that it would withdraw its motion to dismiss once the second amended complaint was filed. (Dkt. No. 22.)

Federal Rule of Civil Procedure 15(a)(1)(B), a party may amend its pleading once as a matter of course within 21 days of being served with a motion under Rule 12(b). Plaintiff's complaint was previously amended after a sua sponte order of the Court, and not in response to a motion to dismiss. Accordingly, the Court GRANTS Plaintiff's motion for leave to file an amended complaint, and extends the time to file the Second Amended Complaint to May 5, 2017. Upon timely filing of the Second Amended Complaint, the Court will terminate the pending motion to dismiss pursuant to Rule 15.

IT IS SO ORDERED.

Dated: April 20, 2017

  
KANDIS A. WESTMORE  
United States Magistrate Judge