

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 TERMINATING MOTIONS TO
DISMISS; ORDER DISCHARGING
ORDER TO SHOW CAUSE

Re: Dkt. Nos. 16, 27, 31

On April 1, 2017, Defendant Richmond Housing Authority (“Richmond”) filed a motion to dismiss Plaintiff Brandon Williams’s first amended complaint. (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, Richmond 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.)

On April 20, 2017, the Court granted Plaintiff’s motion for leave to file a second amended complaint, and ordered that she file the amended complaint by May 5, 2017, and informed Plaintiff that, upon timely filing, the Court would terminate the pending motion to dismiss. (Dkt. No. 23.) Plaintiff did not timely file her second amended complaint.

On May 12, 2017, the federal defendants filed a motion to dismiss. (Dkt. No. 27.) The hearing is noticed for July 6, 2017.

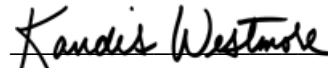
On May 22, 2017, the Court issued an order continuing the hearing on the Richmond’s motion to dismiss to July 6, 2017, and ordered Plaintiff to show cause why she did not timely file her second amended complaint, and why her case should not be dismissed for failure to prosecute. (Dkt. No. 31.) Plaintiff was informed that if she responded to the order to show cause and filed her second amended complaint by June 9, 2017, the Court would terminate both pending motions

1 pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). *See id.* On June 9, 2017, Plaintiffs filed
2 an amended complaint and a response to the order to show cause. (Dkt. Nos. 35 & 37.)

3 Accordingly, the Court terminates the pending motions to dismiss, as the operative
4 complaint is now the second amended complaint, and discharges the order to show cause.

5 IT IS SO ORDERED.

6 Dated: June 16, 2017

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8 KANDIS A. WESTMORE
9 United States Magistrate Judge
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