

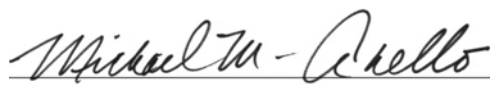
1 serves any function. *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997); *King v.*
2 *Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987). Thus, the complaint which Defendants move to dismiss
3 is no longer the operative pleading in this action. Because Defendants' motion seeks dismissal of
4 a complaint that is no longer the operative pleading in this case, the motion has become moot.

5 Accordingly, **IT IS HEREBY ORDERED THAT:**

- 6 1. Defendants' motion to dismiss [Doc. No. 2] is **DENIED AS MOOT** and the
7 hearing currently set for August 24, 2010 is **VACATED**;
- 8 2. Defendants shall file a response to Plaintiff's amended complaint pursuant to the
9 Federal Rules of Civil Procedure.

10 **IT IS SO ORDERED.**

11
12 DATED: August 2, 2010

13 

14 Hon. Michael M. Anello
15 United States District Judge