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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT PLAISTED,)	3:11-cv-00442-HDM-WGC
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
UNITED STATES OF AMERICA; ERIC)	
SHINSEKI, in his official)	
capacity as Secretary of the)	
DEPARTMENT OF VETERANS AFFAIRS,)	
)	
Defendants.)	
)	

On August 26, 2011, defendant Shinseki filed a motion to dismiss the complaint on the grounds that the United States is the only proper party in a Federal Tort Claims Act action, which plaintiff had alleged in the original complaint. (Docket No. 6) On September 9, 2011, this court granted the parties' stipulation to extend the time in which to file a response to the motion to dismiss, extending the time to respond to September 26, 2011.

1 (Docket No. 9) On September 26, 2011, the parties filed a
2 stipulation for plaintiff to file an amended complaint for the
3 purpose of adding the United States as a defendant, which this
4 court granted on September 27, 2011. (Docket Nos. 10, 11) On
5 October 17, 2011, the plaintiff filed a First Amended Complaint and
6 Jury Demand adding the United States as a defendant. (Docket No.
7 12) Accordingly, defendant's motion to dismiss (Docket No. 6) is
8 DENIED as moot.

9 **IT IS SO ORDERED.**

10 DATED: This 18th day of October, 2011.

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12 UNITED STATES DISTRICT JUDGE

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