

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WILL MOSES PALMER, III,

Plaintiff,

v.

JEANNE WOODFORD, et al.,

Defendants.

CASE NO. 1:06-cv-00512-LJO-BAM PC

ORDER VACATING ORDER DENYING
MOTION FOR LEAVE TO FILE AMENDED
COMPLAINT

(ECF No. 102)

TWENTY-ONE DAY DEADLINE

Plaintiff Will Moses, Palmer, III (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on the first amended complaint, filed August 29, 2007, against Defendants Jordnt and Bardonnex for retaliation and denial of access to the court in violation of the First Amendment. On April 2, 2012, the Court granted Defendants a fifteen day extension of time to serve responses to Plaintiff’s discovery requests. (ECF No. 100.) On April 4, 2012, Plaintiff filed a motion for leave to file an amended complaint. (ECF No. 101.) Plaintiff’s motion for leave to file an amended complaint was denied on April 6, 2012, because Plaintiff had not filed a second amended complaint with his motion. (ECF No. 102.) On the same date, Plaintiff’s second amended complaint was filed. (ECF No. 103.) On May 15, 2012, Plaintiff filed a motion to compel stating that Defendants had failed to respond to his discovery requests within the fifteen days granted by the court. (ECF No. 104.)

Accordingly, IT IS HEREBY ORDERED that:

1. The order denying Plaintiff’s motion for leave to file an amended complaint is VACATED;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Within twenty-one days from the date of service of this order, Defendants shall file an opposition or statement of non-opposition to Plaintiff's motion for leave to file an amended complaint and motion to compel.

IT IS SO ORDERED.

Dated: May 16, 2012

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE