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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

CURTIS LEE HENDERSON SR,

CASE NO. 1:08-cv-0188-LJO DLB PC

Plaintiff,

ORDER DIRECTING CLERK OF COURT TO  
RETURN PROPOSED AMENDED  
COMPLAINT TO PLAINTIFF WITHOUT  
FILING

v.

G. RODRIGUEZ,

Defendant.

\_\_\_\_\_ /

Plaintiff Curtis Lee Henderson Sr. ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendant G. Rodriguez, who filed an answer to the complaint on June 19, 2009.

On November 16, 2009, the Court received Plaintiff's proposed First Amended Complaint. At this juncture, Plaintiff may amend his pleading only with the opposing party's written consent or with the Court's leave. Fed. R. Civ. P. 15(a). Plaintiff has not sought leave of Court to file a First Amended Complaint, nor has Plaintiff submitted written consent from Defendant Rodriguez

Accordingly, the Clerk of the Court is HEREBY DIRECTED to return to Plaintiff his proposed First Amended Complaint, without filing.

IT IS SO ORDERED.

**Dated: November 16, 2009**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE