

5 **UNITED STATES DISTRICT COURT**

6 EASTERN DISTRICT OF CALIFORNIA

7 TIMOTHY S. DAUBERT,) 1:08cv1611 DLB
8)
9 Plaintiff,) ORDER DIRECTING CLERK OF COURT TO
10) RETURN PLAINTIFF'S LODGED AMENDED
11 v.) COMPLAINT
12) (Document 40)
13 Defendant.)
14

15 Plaintiff, appearing pro se and proceeding in forma pauperis, filed the instant complaint
16 under the Americans with Disabilities Act (“ADA”) on October 24, 2008. The action is now
17 proceeding with discovery pursuant to the July 30, 2009, Scheduling Conference Order.

18 On August 18, 2009, Plaintiff lodged an Amended Complaint that appears to concern
19 events in 1998 and 1999 at the Lindsay City Hall.

20 Plaintiff does not have leave of Court, however, to file an amended complaint.
21 Fed.R.Civ.Proc. 15(a)(2). It also appears that the lodged amended complaint has nothing to do
22 with the issues in this action. If Plaintiff wishes to raise issues not related to the issues in this
23 action, he should file a new complaint.

24 Accordingly, the Clerk of Court is DIRECTED TO RETURN Plaintiff's August 18,
25 2009, lodged amended complaint.

26 IT IS SO ORDERED.

27 Dated: August 31, 2009

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