

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

TIMOTHY S. DAUBERT,	)	1:08cv1611 DLB
	)	
	)	
Plaintiff,	)	ORDER DIRECTING CLERK OF COURT TO
	)	RETURN PLAINTIFF’S LODGED AMENDED
v.	)	COMPLAINT
	)	
CITY OF LINDSAY,	)	(Document 40)
	)	
	)	
Defendant.	)	

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

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

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

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

IT IS SO ORDERED.

Dated: August 31, 2009

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE