

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT E. COLEMAN,

CASE NO. 1:09-cv-00224-DLB PC

Plaintiff,

ORDER REGARDING MOTION TO
AMEND

v.

(Doc. 17)

CDCR, et al.,

RESPONSE DUE WITHIN 30 DAYS

Defendants.

_____ /

Plaintiff Robert E. Coleman (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action. Pending before the Court is Plaintiff’s motion to amend, filed February 26, 2010. Plaintiff seeks to add additional claims and defendants.

Plaintiff can amend once as a matter of course prior to the filing of an answer. Fed. R. Civ. P. 15(a). Pursuant to Local Rule 220, every pleading shall be filed so that “it is complete in itself without reference to the prior or superseded pleading.” Thus, if Plaintiff seeks to add additional claims and defendants to his second amended complaint, Plaintiff must file a third amended complaint that is complete in itself. If Plaintiff does not wish to file a third amended complaint, Plaintiff should notify the Court.

Accordingly, the Court HEREBY ORDERS that within **thirty days** from the date of service of this order, Plaintiff must either (1) file a third amended complaint which includes all of Plaintiff’s claims and is complete in itself, or (2) notify the Court that he does not wish to amend and will proceed with his second amended complaint. The failure to comply with this order may result in dismissal of this action for failure to obey a court order.

IT IS SO ORDERED.

Dated: April 8, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE