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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAUL SANCHEZ ZAVALA ,

CASE NO. 09-cv-0679-MJS (PC)

ORDER GRANTING MOTION TO AMEND

Plaintiff,

(ECF No. 58)

v.

HECTOR RIOS, et al.,

AMENDED COMPLAINT DUE WITHIN
THIRTY DAYS

Defendants.

_____ /

Plaintiff Raul Sanchez Zavala ("Plaintiff") is a prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971) and 28 U.S.C. § 1331.

This action is proceeding on Plaintiff's Fifth Amendment Complaint filed June 17, 2012, against Defendant Gonzaga and various Doe Defendants. (ECF No. 34) The Fifth Amended Complaint alleges causes of action arising under the Due Process Clause of the Fifth Amendment. (Id.) Plaintiff seeks compensatory and punitive damages. (Id.)

On February 14, 2013, the Court consolidated another one of Plaintiff's actions

1 (1:12-cv-00930 (PC) Zavala v. United States) with this action. (ECF No. 55.) In its order,
2 the Court directed Plaintiff to file a motion to amend and a proposed sixth amended
3 complaint. (Id.) Plaintiff's former counsel filed a motion to amend on February 22, 2013.
4 (ECF No. 58.) Defendant Gonzaga has filed a statement of non-opposition. (ECF No. 63.)
5

6 The Federal Rules of Civil Procedure state that leave to amend shall be freely given.
7 Fed. R. Civ. P. 15(a)(2).

8 Accordingly, Plaintiff's motion to amend is GRANTED. Within **thirty (30) days** of
9 service of this order, Plaintiff should file a new amended complaint that should be clearly
10 and boldly titled "Sixth Amended Complaint," refer to the appropriate case number, and be
11 an original signed under penalty of perjury. The Court will screen this pleading and order
12 additional service if necessary.
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16 IT IS SO ORDERED.

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18 Dated: April 9, 2013

1st. Michael J. Seng
19 UNITED STATES MAGISTRATE JUDGE
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