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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

VIRGIL E. HOLT,

Plaintiff,

v.

R. NICHOLAS, et al.,

Defendants.

CASE NO. 1:09-cv-00800-AWI-DLB PC

ORDER GRANTING MOTION TO AMEND

(Doc. 16)

ORDER DISREGARDING MOTION

(Doc. 13)

_____ /

Plaintiff Virgil E. Holt (“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 file a second amended complaint, filed December 28, 2009. Plaintiff seeks to add additional defendants to his second amended complaint who were inadvertently omitted in his first amended complaint.

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to Local Rule 220, every pleading shall be filed so that “it is complete in itself without reference to the prior or superseded pleading.” On November 17, 2009, the Court granted Plaintiff leave to file a first amended complaint. On November 23, 2009, Plaintiff filed a motion to amend and first amended complaint. Because Plaintiff is proceeding pro se, and the Court has yet to screen the first amended complaint, the Court grants Plaintiff’s motion to file a second amended complaint, which will be the operative pleading in this action.

Accordingly, the Court HEREBY ORDERS that Plaintiff’s motion to file a second amended complaint is GRANTED. The Clerk of the Court is directed to file the second amended complaint. Plaintiff’s previous motion to amend, filed November 23, 2009, is DISREGARDED.

IT IS SO ORDERED.

Dated: April 8, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE