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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEROY HAWKINS, JR.,

Plaintiff,

vs.

1: 09 CV 01705 YNP GSA (PC)

ORDER DIRECTING CLERK'S OFFICE TO  
FILE AMENDED COMPLAINT

STATE OF CALIFORNIA, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983.

This action was initiated by civil complaint filed on September 28, 2009. On March 18, 2010, Plaintiff sent to the court a complaint pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 12132 et seq. The complaint was received by the court and filed in as a new case and assigned case number 1:10-cv-00511 DLB (PC).

On April 9, 2010, Plaintiff filed a letter to the court. In this letter, Plaintiff explains that the complaint filed March 23, 2010, is intended as a first amended complaint in case number 1:09 cv 01705 YNP GSA (PC). Pursuant to Federal Rule of Civil Procedure 15(a), Plaintiff may amend his complaint without leave of court so long as a responsive pleading has not been filed. No defendants has been served, and a responsive pleading has not been filed. The complaint

1 filed on March 23, 2010, should therefore be filed as a first amended complaint in this case.  
2 Plaintiff is advised, however, that he must include the proper case number on all submissions to  
3 the court.

4 Accordingly, IT IS HEREBY ORDERED that the Clerk's Office is directed to file the  
5 March 23, 2010, submission as a first amended complaint in this case.

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8 IT IS SO ORDERED.

9 Dated: April 13, 2010

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE