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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BILLY FULTON,

CASE NO. 1:10-cv-275-MJS (PC)

Plaintiff,

ORDER GRANTING MOTION FOR LEAVE  
TO FILE AMENDED COMPLAINT (DOC. 9)

v.

P.L. VASQUEZ, et al.

Defendants.

\_\_\_\_\_ /

Plaintiff Billy Fulton (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Before the Court is Plaintiff’s Motion for Leave to File Amended Complaint (Docket # 9). Plaintiff filed his proposed First Amended Complaint at the same time he filed the instant motion. Federal Rule of Civil Procedure 15(a) provides that a pleading may be amended once as a matter of course so long as no defendant has served a responsive pleading. In this case, no defendant has yet served a responsive pleading.

Accordingly, Plaintiff’s Motion for Leave to File Amended Complaint (Docket # 9) is GRANTED. The Court will accept Plaintiff’s First Amended Complaint (Docket # 10) as the operative pleading in this case.

IT IS SO ORDERED.

Dated: June 12, 2010

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE