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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

SEAVON PIERCE,

Plaintiff,

v.

GONZALES, et al.,

Defendants.

CASE NO. 1:10-cv-00285-SMS (PC)

ORDER DENYING PLAINTIFF’S  
MOTION FOR LEAVE TO AMEND  
AS UNNECESSARY

(Doc. 11)

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Plaintiff Seavon Pierce (“plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On April 29, 2010, plaintiff filed a motion seeking leave to file an amended complaint.

Plaintiff may amend once as a matter of right before service of a responsive pleading by defendants. Fed. R. Civ. P. 15(a). Because plaintiff has not previously amended his complaint and defendants have not filed a responsive pleading, plaintiff may file an amended complaint without permission from the Court.

Accordingly, plaintiff’s motion is HEREBY DENIED as unnecessary.

IT IS SO ORDERED.

**Dated: May 4, 2010**

**/s/ Sandra M. Snyder**  
UNITED STATES MAGISTRATE JUDGE