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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MELVIN JOSEPH SIMMONS,

Plaintiff,

v.

DERAL G. ADAMS, et al.,

Defendants.

CASE NO. 1:10-cv-01259-LJO-SMS PC

ORDER DENYING MOTION TO
AMEND AS PREMATURE

(Doc. 11)

Plaintiff Melvin Joseph Simmons, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on July 14, 2010. On January 27, 2011, Plaintiff filed a motion seeking leave to amend and an amended complaint.

At this stage in the proceedings, Plaintiff may amend once as a matter of right without leave of court. Fed. R. Civ. P. 15(a). Therefore, Plaintiff's motion is HEREBY DENIED as premature. Plaintiff's amended complaint will be screened in due course. 28 U.S.C. § 1915A.

IT IS SO ORDERED.

Dated: February 1, 2011

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE