(HC)Mitchell v. Ada	ams	Do	oc. 7
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9	LINITED STATI	ES DISTRICT COLIRT	
10	UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA		
11	EASTERN DIS	TRICT OF CALIFORNIA	
12	JOHN EDWARD MITCHELL,	1:10-cv-01342 MJS HC	
13	Petitioner,) ORDER GRANTING PETITIONER'S MOTION TO AMEND PETITION	
14	V. () [Doc. 5]	
15	DERRAL ADAMS, Warden,) [D0c. 3])	
16	Respondent.		
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18	Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus		
19	pursuant to 28 U.S.C. § 2254.		
20	On July 26, 2010, Petitioner filed a petition for writ of habeas corpus. (Pet., ECF No.		
21	1.) On August 9, 2010, Petitioner filed the instant motion to amend the petition along with a		i
22	first amended petition. (Mot. & First Am. Pet., ECF Nos. 5-6.) Petitioner seeks to include		ļ
23	further supporting documentation and evidence with his petition. Rule 15(a) of the Federal		
24	Rules of Civil Procedure provides, in relevant part:		
25	(1) Amending as a Matter of Course. A party may amend its pleading once as a matter of course: (A) 21 days after serving it,		
26	or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days		
27	after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.		
28	Samor.		
U.S. District Court		_1_	

1	Petitioner may amend as a matter of course up to 21 days after a responsive pleading		
2	or motion is filed. Respondent has yet to file a response. Accordingly, Petitioner's motion to		
3	file an amended petition is GRANTED.		
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5	IT IS SO ORDERED.		
6	Dated: <u>August 11, 2010</u>	Isl Michael J. Seng UNITED STATES MAGISTRATE JUDGE	
7		UNITED STATES MAGISTRATE JUDGE	
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U.S. District Court

E. D. California