1	
2	
3	
4	UNITED STATES DISTRICT COURT
5	EASTERN DISTRICT OF CALIFORNIA
6	EASTERN DISTRICT OF CALIFORNIA
7	DANA McMASTER, CASE NO. 1:10-cv-01407-SKO PC
8	Plaintiff, ORDER DENYING MOTION SEEKING LEAVE TO AMEND AS MOOT
9	v. (Doc. 25)
10	M. E. SPEARMAN, et al.,
11	Defendants.
12	·
13	Plaintiff Dana McMaster, a state prisoner proceeding pro se and in forma pauperis, filed this
14	civil rights action pursuant to 42 U.S.C. § 1983 on August 6, 2010. On January 9, 2013, Plaintiff
15	filed a motion seeking leave to file his second amended complaint, which was received and filed on
16	January 3, 2013.
17	Plaintiff had the right to amend once as a matter of course without leave of court and for that
18	reason, his second amended complaint was filed when received on January 3, 2013. Fed. R. Civ.
19	P. 15(a). Accordingly, Plaintiff's motion seeking leave to amend is HEREBY DENIED as moot.
20	Any future amendments, however, must be accompanied by a motion seeking leave to amend.
21	
22	IT IS SO ORDERED.
23	Dated: January 14, 2013 /s/ Sheila K. Oberto UNITED STATES MAGISTRATE JUDGE
24	UNITED STATES MADISTRATE JUDGE
25	
26	
27	
28	¹ On January 7, 2013, the Court issued orders directing the United States Marshal to initiate service on S. Espitia and directing Defendants Carlson, Garcia, and Sedwick to file an answer to the second amended complaint.