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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY HOWARD,

Plaintiff,

v.

D. L. DeAZEVEDO, et al.,

Defendants.

CASE NO. 1:11-cv-00101-AWI-SKO PC

ORDER DENYING PLAINTIFF’S SECOND
MOTION FOR LEAVE TO FILE A SECOND
AMENDED COMPLAINT

(Doc. 35)

Plaintiff Timothy Howard, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 20, 2011. On December 26, 2012, Plaintiff filed a motion seeking leave to amend. Fed. R. Civ. P. 15(a). Defendants did not file a response, and on January 29, 2013, the Court denied the motion. Local Rule 230(1).

Pending before the Court is Plaintiff’s second motion to amend, filed on January 25, 2013. Defendants did not file a response.

Plaintiff’s second motion is largely duplicative of his first motion and it was filed because Plaintiff believed his first motion had been lost. The Court already ruled on Plaintiff’s first motion and it declines to revisit that ruling. However, given that Plaintiff added a request to correct his prayer for relief, Plaintiff is notified that he need not be concerned about amending his prayer for relief, as he is not limited to the damages amount set forth in his amended complaint. Fed. R. Civ. P. 54(c).

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1 Accordingly, Plaintiff's second motion seeking leave to amend, filed on January 25, 2013,
2 is HEREBY DENIED.

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6 IT IS SO ORDERED.

7 **Dated: February 26, 2013**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE