

EASTERN DISTRICT OF CALIFORNIA

CASE NO. 1:11-cv-00728-AWI-SMS PC

ORDER STRIKING SECOND AMENDED
COMPLAINT

(ECF No. 16)

Defendants.

Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend the party’s pleading once as a matter of course at any time before a responsive pleading is served. Otherwise, a party may amend only by leave of the court or by written consent of the adverse party, and leave shall be freely given when justice so requires. Fed. R. Civ. P. 15(a). “Rule 15(a) is very liberal and leave to amend ‘shall be freely given when justice so requires.’” Amerisource Bergen Corp. v. Dialysis West, Inc., 465 F.3d 946, 951 (9th Cir. 2006) (quoting Fed. R. Civ. P. 15(a)).

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1 Plaintiff has previously filed an amended complaint. Plaintiff did not file a motion to amend,
2 nor has the Court granted leave to amend. Accordingly, Plaintiff's second amended complaint,
3 lodged September 21, 2011, is HEREBY ORDERED STRICKEN FROM THE RECORD.

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5 IT IS SO ORDERED.

6 **Dated: September 28, 2011**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE