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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

LINDA MORIARITY,	)	Case No.: 1:11-cv-01208 - JLT
	)	
Plaintiff,	)	ORDER STRIKING PLAINTIFF’S THIRD
	)	AMENDED COMPLAINT
v.	)	
	)	(Doc. 28)
JANALIE HENRIQUES, et al.,	)	
	)	
Defendants.	)	
	)	

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Plaintiff Linda Moriarity (“Plaintiff”) filed a Third Amended Complaint on January 24, 2013. (Doc. 28). Pursuant to Fed. R. Civ. P. 15(a), a party may amend a pleading once as a matter of course within 21 days of service, or if the pleading is one to which a response is required, twenty-one days after service of a responsive pleading. “In all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave.” Fed. R. Civ. P. 15(a)(2).

In this case, Defendants filed an answer to Plaintiff’s Second Amended Complaint on January 30, 2012. (Doc. 16). Thus, Plaintiff must obtain Defendant’s consent to file a Third Amended Complaint, or seek leave of the Court. *See* Fed. R. Civ. P. 15(a)(2). Moreover, in the scheduling order, the Court explained any requested pleading amendments must be made “either through a stipulation or motion to amend.” (Doc. 27 at 2). Nevertheless, Plaintiff has not filed a stipulation indicating Defendants consent to the pleading amendment, and has not filed a motion for the Court’s consideration with her Third Amended Complaint.

