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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRED GOMEZ,
Plaintiff,
v.
SERGEANT SWAIM, et al.,
Defendants.

Case No. 1:11-cv-01436-AWI-DLB PC
**ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND COMPLAINT**
ECF No. 18

Plaintiff Fred Gomez is a California state prisoner proceeding pro se and in forma pauperis, filed this civil action pursuant to 42 U.S.C. § 1983 on August 26, 2011. On May 29, 2012, the Court directed service of the complaint by the United States Marshal on Defendant Swaim. Plaintiff also stated a cognizable claim against Doe Defendants 1 through 10. However, the Doe Defendants were not served with process because the United States Marshal cannot effect service on unknown persons. On September 19, 2012, Plaintiff filed a motion to amend his complaint. Plaintiff moves to amend his complaint to include the identities of three Doe Defendants, Lieutenant G. Becerra, Captain Daviega, and Warden M. Junious. ECF No. 18. Plaintiff's proposed amended complaint is lodged with the Court. ECF No. 19.

A party may amend its pleadings with the Court's leave, and leave should be given "when

1 justice so requires.” Fed. R. Civ. P. 15(a)(2). The Court finds leave should be granted. Plaintiff’s
2 amended complaint will be screened pursuant to 28 U.S.C. § 1915A(a) and § 1915(e)(2)(B) prior to
3 an order directing the United Marshal to effect service or requiring Defendant Swaim to file an
4 amended answer. Accordingly, it is HEREBY ORDERED that Plaintiff’s motion to amend his
5 complaint, filed September 19, 2012, is granted and the Clerk of the Court is directed to file
6 Plaintiff’s amended complaint.

7
8 IT IS SO ORDERED.

9 Dated: November 8, 2012

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE