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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 EDWARD FURNACE,
9
10 Plaintiff

11 v.

12 L. VASQUEZ,
13 Defendant.

CASE No. 1:11-cv-02034-LJO-DLB (PC)
ORDER RE PLAINTIFF'S MOTION FOR
CLARIFICATION
(ECF No. 23)

14 Plaintiff Edward Furnace ("Plaintiff") is a state prisoner proceeding pro se and in forma
15 pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This action was filed on
16 December 9, 2011. On September 13, 2013, Plaintiff filed a motion for clarification as to whether
17 he is permitted to engage in discovery and whether he can amend his complaint. (ECF No. 23.)
18 Plaintiff is notified that on July 24, 2013, the Court issued the discovery and scheduling which
19 provided guidelines for the parties to engage in discovery. (ECF No. 19.)

20 As to Plaintiff's inquiry for amending his complaint, under Rule 15(a) of the Federal Rules
21 of Civil Procedure, a party may amend the party's pleading once as a matter of course at any time
22 before a responsive pleading is served. Otherwise, a party may amend only by leave of the court
23 or by written consent of the adverse party, and leave shall be freely given when justice so requires.
24 Fed. R. Civ. P. 15(a). "Rule 15(a) is very liberal and leave to amend 'shall be freely given when
25 justice so requires.'" Amerisource Bergen Corp. v. Dialysis W., Inc., 465 F.3d 946, 951 (9th Cir.
26 2006) (quoting Fed. R. Civ. P. 15(a)). A responsive pleading has already been served in this case,
27 and therefore Plaintiff may only amend his complaint with leave of the court or with consent of

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1 the adverse party.

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3 IT IS SO ORDERED.

4 Dated: September 20, 2013

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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