1 2 3 4 5 6 7 IN THE UNITED STATES DISTRICT COURT FOR THE 8 EASTERN DISTRICT OF CALIFORNIA 9 10 ROBIN GILLEN STARR, 1:11-cv-02108 AWI GSA PC 11 ORDER GRANTING MOTION FOR Plaintiff, LEAVE TO FILE AMENDED 12 COMPLAINT (ECF No. 21) v. AMENDED COMPLAINT DUE IN 13 A. TREVINO, M.D., et al., THIRTY DAYS 14 Defendants. 15 16 17 Plaintiff is a state prisoner proceeding pro se in this civil rights action. This proceeding 18 was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1). Pending before the Court is Plaintiff's Apri 17, 2012, motion for leave to file an amended complaint. 19 20 This action was initiated by civil complaint filed by Plaintiff on December 22, 2011. On 21 January 19, 2012, Plaintiff filed a motion for leave to file an amended complaint pursuant to 22 Federal Rule of Civil Procedure 15(a). Because Plaintiff had not amended the complaint and no 23 appearance had been made by any defendant, the Court granted the motion and directed Plaintiff 24 to file his first amended complaint within thirty days, using the form provided to Plaintiff by the 25 Court. 26 On February 15, 2012, Plaintiff filed a motion titled "motion to file amended complaint 27 on torture." On April 6, and April 17, 2012, Plaintiff filed motions for leave to file an amended 28 complaint. Plaintiff is reminded that his January 19, 2012, motion was granted, and he has leave

(PC) Starr v. CDCR

Doc. 23

to file an amended compliant. No further leave of Court is required. Plaintiff may amend the complaint once, as a matter of right, prior to any appearance by defendants. Plaintiff is also cautioned that, as the initiator of this action, it is his responsibility for prosecuting it. The Court will therefore grant Plaintiff thirty days in which to file an amended complaint. Should Plaintiff fail to do so, the Court will screen the original complaint. Accordingly, IT IS HEREBY ORDERED that Plaintiff is granted thirty days from the date of service of this order in which to file a first amended complaint. IT IS SO ORDERED. Dated: <u>June 26, 2012</u>