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

WILBUR ATCHERLEY,)	Case No.: 1:12cv00225 LJO DLB (PC)
)	
Plaintiff,)	ORDER STRIKING PLAINTIFF’S
v.)	LODGED SECOND AMENDED
)	COMPLAINT
CLARK, et al.,)	
)	(Document 87)
Defendants.)	
)	
)	
)	

Plaintiff Wilbur Atcherley (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The action is currently in the discovery phase.

On June 23, 2014, Plaintiff submitted a Second Amended Complaint. Because he did not have leave to file an amended complaint, the document was lodged on the docket.

At this stage of the proceedings, where Defendants have answered and the action is in discovery, Plaintiff needs either Defendants’ consent, or leave of Court to file an amendment. Fed. R. Civ. Proc. 15(a)(2). Plaintiff has not obtained either, and the Court therefore ORDERS the lodged

1 Second Amended Complaint STRICKEN from the docket.¹ Ready Transp., Inc. v. AAR Mfg., Inc.,
2 627 F.3d 402, 404-05 (9th Cir. 2010) (Courts have the inherent power to control their docket and in
3 the exercise of that power, they may properly strike documents).
4

5 IT IS SO ORDERED.

6 Dated: June 27, 2014

7 /s/ Dennis L. Beck
8 UNITED STATES MAGISTRATE JUDGE
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27 _____
28 ¹ In the proof of service, Plaintiff entitles the document a *Proposed* Second Amended Complaint. However, Plaintiff has not filed a motion to amend.