

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

STEVE WILHELM,  
Plaintiff,  
v.  
JEANNIE WOODFORD, et al.,  
Defendants. ) Case No.: 1:12-cv-00386-AWI-SAB (PC)  
 )  
 ) ORDER DENYING PLAINTIFF'S MOTION TO  
 ) AMEND THE COMPLAINT  
 )  
 ) [ECF No. 40]  
 )  
 )

Plaintiff Steve Wilhelm is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Now pending before the Court is Plaintiff's motion to amend, filed November 24, 2014, along with a lodged third amended complaint. The motion was initially filed in case number 1:10-cv-00001-DLB, Wilhelm v. Rotman, which is currently pending in this Court. Because the motion was mistakenly filed in 1:10-cv-00001-DLB, the Court directed the motion to be filed in the instant case as a lodged third amended complaint is pending. (1:10-cv-00001-DLB, ECF No. 61.)

In his motion to amend, Plaintiff appears to seek to amend his complaint by adding two more John Doe Defendants, both previous Directors for California Department of Corrections, as additional defendants in the present action.

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1           On January 15, 2014, the undersigned issued Findings and Recommendation recommending  
2 dismissal of Plaintiff's second amended complaint, without leave to amend, for failure to state a  
3 cognizable claim for relief. (ECF No. 30.) Plaintiff filed objections to the Findings and  
4 Recommendations on March 5, 2014. (ECF No. 37.) The Findings and Recommendations are  
5 presently pending before the assigned United States District Judge.

6           There is no basis for Plaintiff to seek to amend the second amended complaint, by way of filing  
7 a third amended complaint to add additional John Doe defendants, as the Court has already  
8 recommended dismissal, without further leave to amend. As stated in the Findings and  
9 Recommendations, although leave to amend is permitted in general, it may be denied when a plaintiff  
10 was previously notified of the deficiencies in his claims but did not cure them. (ECF No. 30.)  
11 Because Plaintiff was previously informed of the deficiencies in his claims and he failed to cure them,  
12 dismissal without leave to amend was justified. (*Id.*) To the extent Plaintiff disagrees with the Court's  
13 January 15, 2014, Findings and Recommendations, his arguments have been submitted to the Court,  
14 by way of objections filed March 5, 2014, which will be considered by the District Judge. (ECF No.  
15 37.)

16           Accordingly, Plaintiff's motion to amend and file a third amended complaint is DENIED.  
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18 IT IS SO ORDERED.

19 Dated: December 3, 2014



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UNITED STATES MAGISTRATE JUDGE