

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MARTIN LOUIS SAIZ,

CASE NO. 1:12-cv-00912-AWI-SMS

Plaintiff,

v.

ORDER DECLARING "THIRD AMENDED  
COMPLAINT" INVALID AND  
OF NO LEGAL EFFECT

HANFORD POLICE DEPARTMENT, et al.,

Defendants.

(Doc. 26)

On April 19, 2013, reporting that Plaintiff, a pro se litigant, had served them with a Third Amended Complaint that has not been filed with the Clerk of Court, Defendants moved to strike the Third Amended Complaint.

If a party has already amended its pleadings once as a matter of course, further amendment requires the consent of the adverse party or leave of the court. F.R.Civ.P. 15(a). As Defendants correctly observed, Plaintiff has neither filed a motion for leave to amend his second amended complaint nor filed the actual third amended complaint with this Court.

Accordingly, the Court hereby DECLARES that the so-called third amended complaint served by Plaintiff on Defendants on April 3, 2013, is invalid and of no legal force or effect. The motion hearing noticed by Defendants is vacated. The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

IT IS SO ORDERED.

**Dated:** April 24, 2013/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE