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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES E. WHITE,
Plaintiff,
v.
COUNTY OF MERCED,
Defendant.

Case No. 1:12-cv-00917-BAM (PC)
ORDER GRANTING PLAINTIFF’S MOTION
TO AMEND
(ECF No. 65)
ORDER GRANTING MOTION TO MODIFY
SCHEDULING ORDER
(ECF No. 66)
FOURTEEN (14) DAY DEADLINE

Plaintiff James E. White (“Plaintiff”) is a state prisoner proceeding in forma pauperis and represented by counsel in this civil rights action pursuant to 42 U.S.C. § 1983.

On September 2, 2017, Plaintiff filed a second amended complaint, but failed to file a motion to amend the complaint. (ECF No. 60.) On September 12, 2017, the Court held an informal telephonic conference off the record with the parties to discuss issues related to the filing of the second amended complaint. (ECF No. 64.) The same day, Plaintiff filed a notice to withdraw the second amended complaint. (ECF No. 62.)

On September 13, 2017, Plaintiff filed a motion to amend the complaint and a motion to modify the scheduling order with respect to the untimely motion to amend. (ECF Nos. 65, 66.) Defendant County of Merced filed a statement of non-opposition to Plaintiff’s motions on

1 October 4, 2017. (ECF No. 68.) No reply has been filed, and the motions are deemed submitted.
2 Local Rule 230(1).

3 In consideration of Rule 15(a)(2) and Defendant's statement of non-opposition, the Court
4 finds that leave to amend should be granted, and the scheduling order modified accordingly.

5 Thus, Plaintiff's motion for leave to amend the complaint (ECF No. 65) and motion to
6 modify scheduling order (ECF No. 66) are HEREBY GRANTED. Plaintiff's second amended
7 complaint shall be filed within **fourteen (14) days** following the date of service of this order.
8 Defendant is directed to file a responsive pleading within **fourteen (14) days** after service of the
9 second amended complaint. Fed. R. Civ. P. 15(a)(3).

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11 IT IS SO ORDERED.

12 Dated: October 12, 2017

/s/ Barbara A. McAuliffe
13 UNITED STATES MAGISTRATE JUDGE

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