

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL TREBAS,	CASE NO. 1:12-cv-0978-SAB (PC)
Plaintiff,	ORDER GRANTING MOTION TO
v.	AMEND AND ORDERING CLERK'S OFFICE
COUNTY OF FRESNO, et al.,	TO FILE SECOND AMENDED COMPLAINT
Defendants.	LODGED ON FEBRUARY 21, 2013
	(ECF Nos. 8 & 9)

Plaintiff Daniel Trebas, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 18, 2012. Plaintiff filed an amended complaint as a matter of right on December 26, 2012. Fed. R. Civ. P. 15(a)(1); (ECF No. 6.) On February 21, 2013, Plaintiff filed a motion seeking leave to amend, and on February 21, 2013, Plaintiff submitted a proposed second amended complaint. (ECF Nos. 8 & 9.)

Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served. Otherwise, a party may amend only by leave of the court or by written consent of the adverse party, and leave shall be freely given when justice so requires. Fed. R. Civ. P. 15(a). "Rule 15(a) is very liberal and leave to amend 'shall be freely given when justice so requires.'" Amerisource Bergen Corp. v. Dialysis W., Inc., 465 F.3d 946, 951 (9th Cir. 2006) (quoting Fed. R. Civ. P. 15(a)).

The Court will grant Plaintiff's motion to file an amended complaint. Plaintiff is advised that the Court is required to screen complaints brought by prisoners seeking relief against a

1 governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). This
2 Court and its staff takes its role serious in complying with statutes and other obligations under the
3 United States Constitution and laws of the United States. As Plaintiff's case is not the only case
4 under consideration by the Court and because cases are screened in the order in which the complaints
5 are filed, absent good cause, the Court will screen cases in that order and will continue to strive to
6 avoid delays whenever possible.

7 Accordingly, it is HEREBY ORDERED that:

- 8 1. Plaintiff's motion to amend, filed February 21, 2013, is GRANTED; and
- 9 2. The Clerk's Office shall file Plaintiff's second amended complaint, lodged on
10 February 21, 2013.

11
12 IT IS SO ORDERED.

13 **Dated: February 25, 2013**

14 
15 _____
16 UNITED STATES MAGISTRATE JUDGE
17
18
19
20
21
22
23
24
25
26
27
28