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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

GERALD LEE MILLER,

Plaintiff,

v.

DR. J. AKANNO, M.D., et al.,

Defendants.

CASE NO. 1:12-cv-01013-LJO-SKO PC

ORDER DENYING MOTION FOR LEAVE TO  
AMEND AS MOOT AND DIRECTING  
CLERK'S OFFICE TO FILE LODGED  
AMENDED COMPLAINT

(Docs. 9-11)

Plaintiff Gerald Lee Miller, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 22, 2012. On January 22, 2013, Plaintiff filed a motion seeking leave to amend, accompanied by a proposed amended complaint.

Plaintiff has the right to amend once as a matter of course without leave of court. Fed. R. Civ. P. 15(a). Accordingly, Plaintiff's motion seeking leave to amend is HEREBY DENIED as moot, and the Clerk's Office shall file in his proposed amended complaint. Any future amendments must be accompanied by a motion seeking leave to amend.

IT IS SO ORDERED.

**Dated: January 23, 2013**

**/s/ Sheila K. Oberto**  
UNITED STATES MAGISTRATE JUDGE