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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAYMOND BALDHOSKY,
Plaintiff,
v.
SUSAN HUBBARD, et al.,
Defendants.

Case No. 1:12-cv-01200-MJS (PC)

**ORDER GRANTING PLAINTIFF'S
MOTION TO FILE AMENDED PLEADING
(ECF No. 19)**

**ORDER DIRECTING CLERK TO FILE
LODGED SECOND AMENDED
COMPLAINT
(ECF No. 23)**

Plaintiff is a former state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The Complaint was dismissed for failure to state a claim. Plaintiff filed a First Amended Complaint which has not yet been screened.

On April 30, 2014, Plaintiff filed a motion to file a second amended complaint (ECF No. 19) and concurrently lodged a Second Amended Complaint (ECF No. 20).

The Court received a letter from Plaintiff (ECF No. 21) stating the April 30, 2014 lodged Second Amended Complaint was an incorrect version and that he had mailed the correct version to the Court.

On May 1, 2014, the Court Clerk received and filed a duplicate motion to amend (ECF No. 22) and concurrently lodged a corrected Second Amended Complaint (ECF No. 23).

Plaintiff need not seek the Court's permission to amend his pleading because service has not been ordered. Fed. R. Civ. P. 15(a). Accordingly, the Court sees no reason

1 to deny the requested relief. See *Amerisource Bergen Corp. v. Dialysis West, Inc.*, 465
2 F.3d 946, 951 (9th Cir. 2006), quoting Fed. R. Civ. P. 15(a) (the court shall freely grant
3 leave to amend when justice so requires).

4 GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's April 30, 2014 motion to file a second amended complaint (ECF No.
6 19) is GRANTED,
- 7 2. The Clerk is directed to file into the record the May 1, 2014 lodged Second
8 Amended Complaint (ECF No. 23), and
- 9 3. Plaintiff's May 1, 2014 motion to file a second amended complaint (ECF No.
10 22) and April 30, 2014 lodged Second Amended Complaint (ECF No. 20)
11 shall be DISREGARDED.

12 IT IS SO ORDERED.

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14 Dated: May 8, 2014

15 /s/ Michael J. Seng
16 UNITED STATES MAGISTRATE JUDGE
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