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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SYNRICO RODGERS,
Plaintiff,
v.
C. C. MARTIN, et al.,
Defendants.

Case No. 1:12-cv-01686-AWI-MJS (PC)
**ORDER DENYING PLAINTIFF'S MOTION
IN SUPPORT OF FIRST AMENDED
COMPLAINT**
(ECF No. 33)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter proceeds against Defendants Martin and Blattel on claims of retaliation and deliberate indifference.

On March 17, 2014, Plaintiff filed a motion to amend the Complaint. Defendants filed opposition on March 20, 2014. The Court denied the motion on March 31, 2014, without prejudice. The Court also identified deficiencies in Plaintiff's motion and advised what was necessary to file a proper motion.

On April 4, 2014, Plaintiff filed a motion in support of a first amended complaint. It appears in substance to be an untimely reply to the opposition to his March 17, 2014 motion. It is denied for the reasons stated in the Court's March 31, 2014 Order.

Even if the Court were to construe the instant motion as a request for reconsideration of the March 31, 2014 Order, Plaintiff does not state any new or different

1 facts or circumstances which were not before the Court when it ruled on the March 17,
2 2014 motion. Fed. R. Civ. P. 60(b)(6); Harvest v. Castro, 531 F.3d 737, 749 (9th Cir.
3 2008); Local Rule 230(j).

4 If Plaintiff wishes to file an amended pleading, he may move the Court for
5 permission to do so. He must file a proper motion and set forth the reasons he seeks relief
6 and why he believes he is entitled to it. He should state what changes he purports to make
7 by way of the new pleading, why they are important to his case, when he learned of the
8 need to amend, whether he previously asserted the claims to be added and if so why the
9 claims are not barred by previous screening orders and whether or not the proposed
10 changes will prejudice the Defendants.

11 Accordingly, for the reasons stated, it is HEREBY ORDERED that Plaintiff's motion
12 in support of a first amended complaint (ECF No. 33) is DENIED.

13 IT IS SO ORDERED.
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15 Dated: April 11, 2014

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