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12	UNITED STATES DISTRICT COURT	
13	EASTERN DISTRICT OF CALIFORNIA	
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15	ELTON W. ERVIN,	1:13-cv-00446 GSA
16	Plaintiff,	ORDER DENYING PLAINTIFF'S MOTION TO AMEND COMPLAINT AS
17	V.	MOOT BECAUSE THE COMPLAINT ALREADY INCORPORATES THE
18		PROPOSED AMENDMENT
19	MERCED POLICE DEPARTMENT, et al.,	
20	Defendants.	(Doc. 55)
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22	Plaintiff Elton Ervin ("Plaintiff") is proceeding pro se in this civil action, in which he	
23	alleges violations of his civil rights pursuant to 42 U.S.C. § 1983. On January 5, 2015, Plaintiff	
24	filed a Motion to Amend Complaint. Doc. 55. Plaintiff's motion, which is one paragraph long,	
25	seeks to have "the records reflect" that Officers Chavez, Aponte, Salyer, and Padgett "are each	
26	being sued in their individual capacity." Doc. 55. Defendants City of Merced and Officers	
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28	Chavez, Aponte, Salyers, and Padgett (collectively, "Defendants") filed a response to Plaintiff's	

motion to amend on January 27, 2015. Doc. 58. The Defendants affirmatively acknowledge, with reference to Plaintiff's operative First Amended Complaint ("FAC"), that Officers Chavez, Aponte, Salver, and Padgett "are already sued in their individual capacity." Doc. 58. A review of Plaintiff's operative FAC, filed on January 3, 2013 (and removed to federal court on March 26, 2013), further confirms that Officers Chavez, Aponte, Salver, and Padgett are indeed sued in their individual capacities. See Doc. 1, p. 34, FAC, ¶¶ 8, 9, 10, 11. Finally, the Court notes that "[t]here is no longer a need to bring official-capacity actions against local government officials, for under Monell ... local government units can be sued directly for damages and injunctive or declaratory relief." Kentucky v. Graham, 473 U.S. 159, 167 n. 14 (1985), citing Monell v. Dep't of Soc. Servs. of City of New York, 436 U.S. 658 (1978). For the foregoing reasons, Plaintiff's Motion to Amend Complaint is DENIED as moot. IT IS SO ORDERED. Dated: **January 30, 2015** /s/ Gary S. Austin UNITED STATES MAGISTRATE JUDGE