UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANTHONY A. SHARP, Plaintiff, v. MARGARET MIMS, et al., Defendants.	Case No.: 1:13-cv-00534-AWI-BAM PC ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO AMEND AS UNNECESSARY (ECF No. 16)

Plaintiff Anthony A. Sharp is a former jail inmate and current civil detainee proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. The complaint in this action was filed on April 15, 2013. (ECF No. 1.) Plaintiff filed a motion for leave to amend on May 31, 2013. (ECF No 16.) Plaintiff subsequently filed his first amended complaint on June 7, 2013. (ECF No. 16.)

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, a party may amend its pleading once as a matter of course at any time before a responsive pleading is served. Fed. R. Civ. P. 15(a). 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. Id. In this case, a responsive pleading has not been ordered or served and Plaintiff has not previously amended his complaint. Therefore, Plaintiff was entitled to file his amended complaint without leave of the Court.

Accordingly, it is HEREBY ORDERED that Plaintiff's motion for leave to amend is DENIED as unnecessary. Plaintiff's first amended complaint has been filed with the Court.

IT IS SO ORDERED.

Dated: **October 24, 2013**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE