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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL L. FOSTER,
Plaintiff,

v.

M.D. GODWIN UGWUEZE,
Defendant.

CASE NO. 1:13-cv-0659-LJO-MJS (PC)
ORDER DENYING PLAINTIFF'S MOTION TO
AMEND AS MOOT
(ECF No. 11)

_____ /

Plaintiff Michael L. Foster ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Plaintiff here moves to amend his Complaint because he has found an additional party to name as a defendant in the action. (ECF No. 11.) However, the Court previously dismissed Plaintiff's Complaint for failure to state a claim and gave him leave to amend. (ECF No. 9.) Plaintiff has since filed a First Amended Complaint that names the new party as a defendant in this action. (ECF No. 10.

Accordingly, Plaintiff's motion to amend is DENIED as moot.

IT IS SO ORDERED.

Dated: July 23, 2013

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE