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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

MANUEL GUTIERREZ,	)	Case No.: 1:13-cv-01428-BAM (PC)
	)	
Plaintiff,	)	ORDER DENYING PLAINTIFF’S MOTION FOR
	)	LEAVE TO AMEND HIS COMPLAINTAS
v.	)	UNNECESSARY
	)	(ECF No. 7)
DR. MUSTAFA, et al.,	)	
	)	
Defendants.	)	
	)	
	)	

Plaintiff Manuel Gutierrez (“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 initiated this action on September 9, 2013. On November 4, 2013, Plaintiff filed a motion to correct the spelling of Defendant Mustafa’s name and to add defendants to this action. (ECF No. 7.) The Court construes Plaintiff’s filing as a motion for leave to amend the complaint.

Plaintiff has not previously amended and therefore, he may amend once as a matter of right at this stage in the proceedings. Fed. R. Civ. P. 15(a)(1). Because Plaintiff does not need leave of court to file an amended complaint, his motion is **HEREBY DENIED** as unnecessary.

IT IS SO ORDERED.

Dated: April 10, 2014

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE