

1 On April 14, 2014, Plaintiff filed the instant motion to amend his complaint to identify a John
2 Doe defendant. Plaintiff also lodged his proposed first amended complaint. (ECF Nos. 12, 13.)
3 Plaintiff's motion was not entered on the Court's docket until April 15, 2014.

4 On April 15, 2014, the Court also screened Plaintiff's original complaint and identified certain
5 legal and pleading deficiencies. The Court dismissed Plaintiff's complaint and granted him leave to
6 amend within thirty days. (ECF No. 16.) Based on the dismissal, the Court also denied Plaintiff's
7 pending motion for a temporary restraining order without prejudice because there was no longer a case
8 or controversy pending before the Court. (ECF No. 15.)

9 At the time of Plaintiff's motion to amend, he had not previously amended and therefore, he
10 was entitled to amend once as a matter of right. Fed. R. Civ. P. 15(a)(1). Plaintiff's motion to amend
11 shall be granted and the Clerk of the Court will be directed to file Plaintiff's proposed amended
12 complaint. As the amended pleading superseded the original complaint, the Court shall vacate the
13 order dismissing the original complaint with leave to amend and the order denying the motion for
14 temporary restraining order. The Court will screen Plaintiff's amended complaint in due course.

15 Accordingly, IT IS HEREBY ORDERED as follows:

- 16 1. Plaintiff's motion to amend the complaint, filed on April 14, 2014, is GRANTED;
- 17 2. The Clerk of the Court is directed to file Plaintiff's first amended complaint, which was
18 lodged with the Court on April 14, 2014;
- 19 3. The Court's Order Dismissing Complaint with Leave to Amend, issued on April 15, 2014,
20 is VACATED. Plaintiff may disregard the April 15, 2014, dismissal order; and
- 21 4. The Court's Order Denying Motion for Temporary Restraining Order Without Prejudice,
22 issued on April 15, 2014, is VACATED.

23
24 IT IS SO ORDERED.

25 Dated: April 16, 2014

/s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE