UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA JUAN MATIAS TORRES, Case No.: 1:14-cv-00492-SAB (PC) Plaintiff, ORDER DENYING PLAINTIFF'S MOTION TO FILE A FIRST AMENDED COMPLAINT AS v. UNNECESSARY RALPH M. DIAZ, et al., (ECF No. 8) Defendants. Plaintiff Juan Matias Torres is appearing pro se and in forma pauperis in this civil rights action

pursuant to 42 U.S.C. § 1983. On April 30, 2014, Plaintiff filed a motion for an extension of time to file an amended complaint pursuant to Rule 15(a) of the Federal Rules of Civil Procedure. On May 5, 2014, the Court denied Plaintiff's motion informing him that he could file an amended complaint as a matter of right and the motion to file an amended complaint was unnecessary. On June 16, 2014, Plaintiff filed a second motion to file a first amended complaint.

As Plaintiff was previously informed, under Rule 15(a) of the Federal Rules of Civil Procedure, a plaintiff may amend the pleading once as a matter of course within (i) 21 days after serving the pleading or (ii) if a responsive pleading is required within 21 days after the earlier of service of the responsive pleading or service of a rule 12(b) motion. Fed. R. Civ. P. 15(a)(1)(A),(B). Since a responsive pleading has not yet been filed, Plaintiff may file an amended complaint as a matter

1	of right and his motion is HEREBY DENIED as unnecessary. Plaintiff is advised that his first	
2	amended complaint has been filed and will be screened in due course.	
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4	IT IS SO ORDERED.	SIR
5	Dated: June 18, 2014	July N. Lase
6		UNITED STATES MAGISTRATE JUDGE
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