

1 time to file a response to the complaint, which was granted. (ECF Nos. 15, 16.) Defendant Biter's
2 response is currently due on or before March 22, 2015. (ECF No. 16.)

3 On March 16, 2015, Plaintiff submitted a first amended complaint which was lodged by the
4 Court. (ECF No. 20.) Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend
5 the party's pleading once as a matter of course at any time before a responsive pleading is served.
6 Otherwise, a party may amend only by leave of the court or by written consent of the adverse party,
7 and leave shall be freely given when justice so requires. Fed. R. Civ. P. 15(a). In this case, a
8 responsive pleading has not been served and plaintiff has not previously amended his complaint.
9 Therefore, Plaintiff may file an amended complaint without leave of the court, and the Court will
10 direct the Clerk of Court to file Plaintiff's first amended complaint and grant Defendant Biter thirty
11 days to file a response.¹

12 Based on the foregoing, it is HEREBY ORDERED that:

- 13 1. The Clerk of Court is directed to file Plaintiff's first amended complaint, lodged March
14 16, 2015 (ECF No. 20); and
- 15 2. Within thirty (30) days from the date of service of this order, Defendant Biter shall file
16 a response to Plaintiff's first amended complaint.

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18 IT IS SO ORDERED.

19 Dated: March 17, 2015



UNITED STATES MAGISTRATE JUDGE

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27 ¹ In an order issued concurrently herewith, the Court has found that Plaintiff states a cognizable claim of deliberate
28 indifference in violation of the Eighth Amendment against Defendant Trimble and has ordered service by the United States
marshal. 28 U.S.C. § 1915A; Fed. R. Civ. P. 4(c)(3).