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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GUILLERMO TRUJILLO CRUZ,
Plaintiff,
v.
M. BITER, et al.,
Defendants.

Case No. 1:14-cv-01370 DLB PC
ORDER CONSTRUING PLAINTIFF'S
MOTION TO AMEND AS FIRST
AMENDED COMPLAINT
[ECF No. 8]

Plaintiff Guillermo Trujillo Cruz, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 2, 2014. Plaintiff consented to the jurisdiction of the Magistrate Judge pursuant to 28 U.S.C. § 636(c) on September 17, 2014.

On January 9, 2015, Plaintiff filed the instant pleading which is captioned as a motion to amend. Although captioned as a motion, the pleading presents as an amended complaint. Under Fed. R. Civ. P. 15(a), a party may amend its pleading once as a matter of course within 21 days after serving it. Here, the initial complaint has not yet been screened and served. Therefore, Plaintiff may amend his complaint as a matter of course.

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ORDER

Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion to amend is CONSTRUED as a First Amended Complaint. The Complaint will be screened in due course.

IT IS SO ORDERED.

Dated: February 11, 2015

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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