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8	UNITED STATES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA		
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11	GUILLERMO TRUJILLO CRUZ,	Case No. 1:14-cv-01370 DLB PC	
12	Plaintiff,	ORDER CONSTRUING PLAINTIFF'S AMENDED COMPLAINT AS A MOTION	
13	V.	TO AMEND AND AMENDED COMPLAINT	
14	M. BITER, et al.,	[ECF No. 13]	
15	Defendants.	ORDER GRANTING PLAINTIFF'S MOTION TO AMEND	
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17	Plaintiff Guillermo Trujillo Cruz, a state prisoner proceeding pro se and in forma		
18	pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 2, 2014.		
19	Plaintiff consented to the jurisdiction of the Magistrate Judge pursuant to 28 U.S.C. § 636(c) on		
20	September 17, 2014.		

On January 9, 2015, Plaintiff filed a pleading captioned as a motion to amend. Although
captioned as a motion, the pleading presented as an amended complaint. Therefore, on February
11, 2015, the Court construed the filing as a First 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.
Since the initial complaint had not yet been screened and served, Plaintiff's amended complaint
was filed as a matter of course.

On March 9, 2015, Plaintiff filed a pleading entitled First Amended Complaint. Insofar
as the Court has already construed Plaintiff's earlier filing as a First Amended Complaint, the

1	Court will construe this new filing as a motion to amend and Second Amended Complaint.		
2	Since the Court has not yet screened the First Amended Complaint, the Court will grant		
3	Plaintiff's motion to file the Second Amended Complaint.		
4	ORDER		
5	Accordingly, IT IS HEREBY ORDERED:		
6	1) Plaintiff's First Amended Complaint (ECF No. 13) is CONSTRUED as a motion to		
7	file a Second Amended Complaint and as a Second Amended Complaint;		
8	2) Plaintiff's motion to file a Second Amended Complaint is GRANTED, and the Court		
9	CONSTRUES Plaintiff's First Amended Complaint (ECF No. 13) as a Second Amended		
10	Complaint. The Second Amended Complaint will be screened in due course.		
11	IT IS SO ORDERED.		
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13	Dated: March 20, 2015 /s/ Dennis L. Beck		
14	UNITED STATES MAGISTRATE JUDGE		
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