

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DONALD GLASS,
Plaintiff,
vs.
A. GREGORY, *et al.*,
Defendants.

Case No. 1:14-cv-01703-RRB

**ORDER STRIKING
AMENDED COMPLAINT**

At **Docket 16** Plaintiff Donald Glass has filed a Document entitled “Plaintiff’s Amended Complaint.” The record reflects that after screening the Complaint the Court permitted Glass to proceed on his excessive force claim against Defendants A. Gregory and S. Duran; in all other respects the Complaint was dismissed without leave to amend.¹ Defendants Gregory and Duran have answered the Complaint,² and the Court has entered its Discovery and Scheduling Order.³

The Court’s review of Plaintiff’s Amended Complaint reveals that in addition to the excessive force claim against Gregory and Duran, Glass attempts to assert claims against several other correctional officials, including individuals who were not named in his Complaint. Plaintiff’s Amended Complaint is also alleges facts and legal theories that were not alleged in his Complaint, i.e., deliberate indifference, failure to intervene, confiscation

¹ Docket 8.

² Docket 14.

³ Docket 15.

and destruction of personal property, and denial of access to the courts. All these allegations arise out of events that occurred prior to the date of the Complaint.

Glass has neither obtained the consent of the Defendants nor leave of court to file an amended complaint.⁴ Thus, Plaintiff's Amended Complaint has not been properly filed or submitted to the Court for consideration.

ORDER

Based upon the foregoing, Plaintiff's Amended Complaint is hereby **STRICKEN** without prejudice.

If Plaintiff desires to file an amended complaint he must first obtain leave of court by appropriate motion. In his motion seeking leave to file an amended complaint Plaintiff must: (1) attach a copy of the proposed amended complaint; and (2) show good cause as to why he was unable to include the allegations in his proposed amended complaint in his original Complaint, or that allowing amendment is otherwise in the interests of justice.

Plaintiff is reminded that his amended complaint is subject to the same screening requirements as was his original Complaint.

IT IS SO ORDERED this 28th day of July, 2015.

S/ RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE

⁴ Fed. R. Civ. P. 15(a)(2).