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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JEREMIAH D. VICKERS,)	Case No.: 1:15-cv-00129-SAB (PC)
)	
Plaintiff,)	ORDER STRIKING DEFENDANTS’
)	MOTIONS FOR LEAVE TO FILE AN
v.)	AMENDED ANSWER AND AFFIRMATIVE
)	DEFENSES, AS MISFILED AND
THOMPSON, et al.,)	DUPLICATIVE
)	
Defendants.)	[ECF Nos. 111, 113]
)	
)	

Plaintiff Jeremiah D. Vickers is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. All parties have consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c) and Local Rule 302. (ECF Nos. 8, 40, 65, 89.)

On October 9, 2018, the Court ordered Defendants to file a motion for leave to amend their responsive pleading within fourteen (14) days. (ECF No. 110). On October 18, 2018, Defendants filed a notice of motion using the incorrect event in CM/ECF. (ECF No. 111.) The Clerk of the Court instructed Defendants to re-file the document. (ECF No. 112.)

On October 19, 2018, Defendants re-filed their motion for leave to file an amended answer and affirmative defenses. (ECF No. 113.) On October 22, 2018, Defendants again re-filed their motion, (ECF No. 114), and filed a proof of service showing that the motion was served on Plaintiff that day, (ECF No. 115). The Court is informed that the prior motion filed on October 19, 2018 was done in error, and that the most-recently filed motion is meant to be the operative filing.

1 Accordingly, the Court HEREBY ORDERS as follows:

2 1. Defendants' notice of motion for leave to amend, filed on October 18, 2018 (ECF
3 No. 111) is stricken, as misfiled;

4 2. Defendants' motion for leave to file an amended answer and affirmative defenses,
5 filed on October 19, 2018 (ECF No. 113) is stricken, as duplicative and filed in error; and

6 3. Defendants' motion for leave to file an amended answer and affirmative defenses,
7 filed on October 22, 2018 (ECF No. 114), will be treated as Defendants' operative filing required
8 by the Court's October 9, 2018 order. As previously ordered, Plaintiff may file a response to that
9 motion within **fourteen (14) days**. No reply will be permitted, and the Court will rule upon the
10 motion once the deadline to file any response has passed. Local Rule 230(1).

11
12 IT IS SO ORDERED.

13 Dated: October 22, 2018


UNITED STATES MAGISTRATE JUDGE