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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DAVID TOWNSEL,  
  
                    Plaintiff,  
  
          v.  
  
MADERA COUNTY DEPT PROBATION, et  
al.,  
  
                    Defendants.

Case No. 1:15-cv-00763-LJO-SAB  
  
ORDER STRIKING PLAINTIFF’S FIRST  
AMENDED COMPLAINT AND DENYING  
PLAINTIFF’S APPLICATION TO  
PROCEED IN FORMA PAUPERIS AS  
MOOT  
  
(ECF Nos. 7, 8)

On May 19, 2015, Plaintiff filed a complaint and motion to proceed in forma pauperis in this action. On May 27, 2015, Plaintiff was granted in forma pauperis status and a findings and recommendations issued recommending that Plaintiff’s complaint be dismissed with leave to amend. (ECF No. 6.) Plaintiff was granted thirty days in which to file objections to the findings and recommendations and was advised that he was not being granted leave to file an amended complaint at this time. On June 10, 2015, Plaintiff filed a first amended complaint and a second motion to proceed in forma pauperis. (ECF Nos. 7, 8.)

Since Plaintiff has previously been granted leave to proceed in forma pauperis his second application shall be denied as moot. Additionally, Plaintiff has not been granted leave to file an amended complaint at this time, and therefore his first amended complaint is stricken from the record. As Plaintiff was advised in the findings and recommendations, once an order issues

1 addressing the findings and recommendations, Plaintiff shall be provided with the date by which  
2 to file an amended complaint.

3 Based on the foregoing, IT IS HEREBY ORDERED that:

- 4 1. Plaintiff's second application to proceed in forma pauperis is DENIED as MOOT;
- 5 and
- 6 2. Plaintiff's first amended complaint is STRICKEN FROM THE RECORD.

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8 IT IS SO ORDERED.

9 Dated: June 11, 2015

  
UNITED STATES MAGISTRATE JUDGE

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