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16 **JEROME J. MACK,**

17 Plaintiff,

18 v.

19 **CALIFORNIA DEPARTMENT OF**
20 **CORRECTIONS AND**
21 **REHABILITATION; KIM. HOLLAND,**
22 **WARDEN,**

23 Defendant.

1:15-CV-01600 JLT

**STIPULATION AND PROPOSED
ORDER GRANTING PLAINTIFF
LEAVE TO FILE FOURTH AMENDED
COMPLAINT**

(Doc. 91)

24 Pursuant to Federal Rule of Civil Procedure, Rule 15(a)(2) and this Court's September 16,
25 2016 Scheduling Order (Case Docket No. 83), the parties hereby stipulate by and through their
26 respective counsel of record that the Court may enter an order granting Plaintiff leave to file the
27 Fourth Amended Complaint attached hereto as Exhibit A.
28

1 The parties believe good cause exists for this stipulation and the requested order. The
2 Court's Scheduling Order sets January 20, 2017 as the deadline for filing any request for a
3 pleading amendment. (See Docket No. 83 @ 2:6-2:8.) The Fourth Amended Complaint includes
4 additional allegations that occur beyond the filing date of the Third Amended Complaint. (See
5 Exhibit A Fourth Amended Complaint Paragraphs 207 to 227.) Stipulating that the Court may
6 enter an order allowing the filing of the Fourth Amended Complaint serves judicial economy.

7
8 Respectfully submitted,
Curtis E. Allen, Esq.

9
10 Dated: January 18, 2017

11 _____
//s Curtis E. Allen
Curtis E. Allen, Esq., Attorney for
12 Plaintiff Jerome Mack

13
14 KATHLEEN A. KENEALY
Acting Attorney General of California
15 JUDITH A. RECCHIO
Supervising Deputy Attorney General

16
17 Dated: January 18, 2017

18 _____
//s Mary Horst
19 MARY HORST
Deputy Attorney General
Attorneys for Defendants

20 **ORDER**

21 Based upon the agreement of the parties, the plaintiff may file his Fourth Amended
22 Complaint (attached to the stipulation as Exhibit A) within three court days.

23
24 IT IS SO ORDERED.

25 Dated: January 18, 2017

26 /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE