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

JONATHAN W. MUNDO,

Plaintiff,

v.

TAYLOR, et al.,

Defendants.

Case No. 1:15-cv-01681 DAD DLB PC

ORDER GRANTING PLAINTIFF’S  
MOTION TO AMEND  
(Document 17)

ORDER DIRECTING CLERK TO FILE  
LODGED THIRD AMENDED COMPLAINT  
(Document 18)

Plaintiff Jonathan W. Mundo (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation. Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983, filed on November 5, 2015.

On November 16, 2015, Plaintiff filed a motion for leave to file an amended complaint. The Court denied the motion as moot on November 17, 2015, explaining that Plaintiff did not need leave to file an amended complaint at this point in the litigation. Pursuant to Federal Rule of Civil Procedure 15(a), Plaintiff was permitted to amend once as a matter of course.

Plaintiff filed his First Amended Complaint on November 30, 2015.

On December 9, 2015, Plaintiff lodged a Second Amended Complaint. The complaint was not accompanied by a motion to amend and it was therefore not filed.

On January 6, 2016, Plaintiff filed a second motion to file an amended complaint. He also lodged a Third Amended Complaint.

1 Absent prejudice or a strong showing of any of the remaining factors, there exists a  
2 presumption under Rule 15(a) in favor of granting leave to amend. C. F. ex rel. Farnan v. Capistrano  
3 Unified Sch. Dist., 654 F.3d 975, 985 (9th Cir. 2011) (citing Eminence Capital, LLC v. Aspeon, Inc.,  
4 316 F.3d 1048, 1051 (9th Cir. 2003)) (quotation marks omitted), cert. denied, 132 S.Ct. 1566 (2012).

5 Here, Plaintiff requests leave to amend to correct deficiencies in his First Amended  
6 Complaint and to add facts he has since remembered. Plaintiff's First Amended Complaint has not  
7 yet been screened, and therefore permitting an amendment will not result in prejudice to any party.  
8 Plaintiff's motion is GRANTED. The Clerk of Court is DIRECTED to file Plaintiff's lodged Third  
9 Amended Complaint (Document 18). The Court will screen the Third Amended Complaint in due  
10 course.

11 IT IS SO ORDERED.

12  
13 Dated: January 19, 2016

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE