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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RODERICK WILLIAM LEAR

Plaintiff,

v.

MARTIN BITER, et al.,

Defendants.

Case No. 1:15-cv-01903-MJS (PC)

**ORDER DENYING MOTION FOR LEAVE
TO FILE MOTION FOR
RECONSIDERATION
(ECF NO. 28)**

**ORDER DENYING MOTIONS FOR
EXTENSION OF TIME
(ECF NOS. 29, 30)**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. On November 21, 2016, the Court screened Plaintiff's first amended complaint and concluded that it stated a cognizable Eighth Amendment inadequate medical care claim for damages against Defendants Akanno and Palomino, but no other cognizable claims. Plaintiff was ordered to file an amended complaint or notify the Court of his willingness to proceed only on the cognizable claims. (ECF No. 27.)

On December 12, 2016, Plaintiff filed a motion for leave to file a motion for reconsideration of the screening order. (ECF No. 28.) On December 12, 2016 and December 21, 2016, he filed motions for an extension of time to file his second amended complaint. (ECF Nos. 29, 30.) Also on December 21, 2016, he timely filed his

1 second amended complaint. (ECF No. 31.)

2 Plaintiff's second amended complaint supersedes his first amended complaint.
3 See Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967). Thus, arguments regarding his first
4 amended complaint and the screening thereof are moot. His request for leave to file a
5 motion for reconsideration will be denied on that basis.

6 Plaintiff's second amended complaint was timely filed. Thus, there is no basis for
7 granting Plaintiff's motions for extension of time, and these too will be denied as moot.

8 Plaintiff's second amended complaint will be screened in due course.

9 Based on the foregoing, it is HEREBY ORDERED that:

- 10 1. Plaintiff's motion for leave to file a motion for reconsideration is DENIED
11 as moot; and
12 2. Plaintiff's motions for extension of time to file a second amended
13 complaint are DENIED as moot.

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15 IT IS SO ORDERED.

16 Dated: February 21, 2017

17 /s/ Michael J. Seng
18 UNITED STATES MAGISTRATE JUDGE

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