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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MATTHEW V. SALINAS,

Plaintiff,

vs.

KENNETH J. POGUE, et al.,

Defendants.

1:16-cv-00520-GSA-PC

ORDER INFORMING PLAINTIFF HE
HAS LEAVE TO AMEND THE
COMPLAINT ONCE AS A MATTER OF
COURSE
(ECF No. 22 resolved)

ORDER FOR CLERK TO FILE FIRST
AMENDED COMPLAINT LODGED ON
NOVEMBER 14, 2016
(ECF No. 23.)

I. BACKGROUND

Matthew V. Salinas (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. On April 14, 2016, Plaintiff filed the Complaint commencing this action. (ECF No. 1.)

On November 14, 2016, Plaintiff filed a motion for leave to amend the Complaint and lodged a First Amended Complaint. (ECF Nos. 22, 23.)

II. LEAVE TO AMEND – RULE 15(a)

Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend the party’s pleading once as a matter of course at any time before a responsive pleading is served. Otherwise, a party may amend only by leave of the court or by written consent of the adverse party, and leave shall be freely given when justice so requires. Fed. R. Civ. P. 15(a). Because

1 Plaintiff has not amended the complaint, and no responsive pleading has been served in this
2 action, Plaintiff has leave to file an amended complaint as a matter of course. Therefore,
3 Plaintiff's First Amended Complaint shall be filed.

4 **III. CONCLUSION**

5 Accordingly, it is HEREBY ORDERED that:

- 6 1. Plaintiff is informed that he has leave to amend the complaint once as a matter
7 of course;
- 8 2. This order resolves Plaintiff's motion for leave to amend the complaint, filed on
9 November 14, 2016;
- 10 3. The Clerk is directed to file the First Amended Complaint, lodged on November
11 14, 2016; and
- 12 4. The First Amended Complaint shall be screened in due course.

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14 IT IS SO ORDERED.

15 Dated: November 16, 2016

16 /s/ Gary S. Austin
17 UNITED STATES MAGISTRATE JUDGE
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