

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ABEL P. REYES,
Plaintiff,
v.
FLORES, et al.,
Defendants.

Case No. 1:16-cv-00586-DAD-JLT (PC)
ORDER STRIKING LODGED
FIRST AMENDED COMPLAINT
(Doc. 22)

Plaintiff is proceeding on claims in the Complaint against LVN Flores and John Doe RN for deliberate indifference to his serious medical needs in violation of the Eighth Amendment. Defendant Flores filed an answer and the Court issued the Discovery and Scheduling Order on May 22, 2017. On August 1, 2017, Plaintiff submitted a first amended complaint which has been lodged on the docket. (Doc. 22.)

Though the Discovery and Scheduling Order in this case set September 19, 2017 as the deadline for amending the pleadings, it specifically noted: “This date does not allow any party to unilaterally file an amended pleading. Rather, any such amended pleadings must comply with all applicable Federal Rules of Civil Procedure (i.e. Rule 15) and Local Rules (i.e. Local Rule 220).” (Doc. 20, n.2, p. 3.) Local Rule 220 requires compliance with Rule 15. Rule 15 states that a party may amend a pleading only with the opposing party’s written consent or with leave of the

1 Court. Fed. R. Civ. P. 15(a)(2). Plaintiff merely submitted a first amended complaint for filing
2 and has not shown compliance with Rule 15 and Local Rule 220.

3 Accordingly, the first amended complaint, lodged on August 1, 2017 (Doc. 22) is
4 **STRICKEN** from the record in this action.

5
6 IT IS SO ORDERED.

7 Dated: August 3, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28