# UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA 

DOE PUBLIUS,
Petitioner,
v.

DIANE F. BOYER-VINE, in her official capacity as Legislative Counsel of California,

Respondent.

No. 1:16-cv-01152-LJO-SKO
ORDER APPROVING PARTIES' STIPULATION TO AMENDMENT NUNC PRO TUNC

On October 31, 2016, Plaintiff, Doe Publius, and Defendant, Diane F. Boyer-Vine, Legislative Counsel of California, stipulated to Plaintiff's amendment of the complaint in a form attached to the stipulation. (The amended complaint was filed separately as Document 12.) Federal Rule of Civil Procedure 15(a)(2) authorizes amendment by consent of the opposing party. The Local Rules of the Eastern District of California, however, provide that "[s]tipulations are not effective unless approved by the Court." Loc. R. 143(b). Pursuant to Local Rule 137, the parties were required to submit the stipulation to the Court prepared for the Court's endorsement of the stipulation. Loc. R. 143(b). Because the parties did not do so, the amendment was not effective when filed.

The parties' procedural error has come to the attention of the Court in the course of its preparation for the imminent scheduling conference. Having reviewed the first amended complaint (Doc. 12), the Court has determined that, had the stipulation been submitted with the required endorsement, the Court would have ordered it effective.

Accordingly, the parties' stipulation to Plaintiff's amended complaint is hereby ORDERED effective nunc pro tunc.

## IT IS SO ORDERED.

Dated: December 2, 2016
/s/ Sheila Mr. Oberto
UNITED STATES MAGISTRATE JUDGE

