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

GURU RAM DAS ACADEMY INC.,  
Plaintiff,  
v.  
JOHN KERRY, et al.,  
Defendants.

Case No. 1:16-cv-01906-AWI-SAB  
ORDER STRIKING SECOND AMENDED  
COMPLAINT  
(ECF No. 17)

Plaintiff filed the complaint in this action on December 20, 2016. (ECF No. 1.) On February 14, 2017, Plaintiff filed a first amended complaint. (ECF No. 7.) Plaintiff filed a second amended complaint on May 23, 2017. (ECF No. 17.)

Amendment of the complaint is governed by Rule 15 of the Federal Rules of Civil Procedure which provides that 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).

Plaintiff has previously filed a complaint which is allowed as matter of course and therefore must either get the written consent of the opposing party or seek leave from the Court to file a second amended complaint. Plaintiff did not file a written stipulation to amend nor was leave sought from the Court to file a second amended complaint.

1           Accordingly, Plaintiff's second amended complaint is HEREBY STRICKEN FROM  
2 THE RECORD for failure to comply with the Federal Rules of Civil Procedure.

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4 IT IS SO ORDERED.

5 Dated: May 24, 2017

  
UNITED STATES MAGISTRATE JUDGE

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