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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMAR R. HEARNS,
Plaintiff,
vs.
ROSA GONZALES, et al.,
Defendants.

1:17-cv-00038-GSA-PC
ORDER DENYING MOTION FOR LEAVE
TO AMEND
(ECF No. 16.)

Jamar R. Hearn is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. §1983. Plaintiff filed the Complaint commencing this action on January 11, 2017. (ECF No. 1.)

On February 9, 2018, Plaintiff filed a motion for leave to amend the Complaint. (ECF No. 16.) As Plaintiff acknowledges, the court already granted him leave to amend the Complaint on December 21, 2017. (ECF No. 13.) In fact, Plaintiff filed the First Amended Complaint on February 9, 2018. (ECF No. 17.) Therefore, Plaintiff's motion for leave to amend is moot and shall be denied.

In his motion, Plaintiff also requests leave to add a new defendant and claim in the First Amended Complaint. Plaintiff does not need permission to add a new defendant and claim in the First Amended Complaint. However, to the extent that Plaintiff is requesting permission to *proceed* with the new defendant and claim, this determination shall not be made until the court

1 screens the First Amended Complaint and decides whether the claims in the First Amended
2 Complaint are cognizable. Therefore, at this stage of the proceedings, Plaintiff's request to
3 *proceed* with the new claim and defendant shall be denied. Plaintiff is advised that the First
4 Amended Complaint shall be screened in due course.

5 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion for leave to
6 amend, filed on February 9, 2018, is DENIED.

7
8 IT IS SO ORDERED.

9 Dated: February 12, 2018

/s/ Gary S. Austin
10 UNITED STATES MAGISTRATE JUDGE