

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

MICHAEL JACOBSEN,
Plaintiff,
v.
MALDINADO,
Defendant.

Case No. 1:17-cv-00101-LJO-BAM (PC)
ORDER STRIKING PLAINTIFF’S LODGED
FIRST AMENDED COMPLAINT
(ECF No. 46)

Plaintiff Michael Jacobsen (“Plaintiff”) is a former county detainee proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s claim for excessive force in violation of the Fourteenth Amendment against Defendant Maldonado (sued as Maldinado). Defendant Maldonado filed an answer on December 8, 2017, (ECF No. 26), and a motion for summary judgment on February 14, 2018, (ECF No. 40). On March 14, 2018, a first amended complaint was lodged. (ECF No. 46.)

Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend its 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. Fed. R. Civ. P. 15(a). As noted above, Defendant Maldonado has filed an answer in this action. Plaintiff has not requested leave to amend and the Court has not granted such leave.

///

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

Therefore, it is HEREBY ORDERED that the first amended complaint, lodged March 14, 2018, (ECF No. 46), is STRICKEN from the record.

IT IS SO ORDERED.

Dated: March 16, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE