

1 the TCSO why it should not be held in contempt for failure to comply with the subpoena. (Doc.
2 24.) Based on the Tuolumne County Counsel's response to the Order to Show Cause as well as an
3 updated notice filed by plaintiff, it appears responsive documents have now been served on
4 plaintiff.¹ Accordingly, the Order to Show Cause is discharged.

5 In a subsequent filing titled "Request for Further Instruction" (Doc. 29), plaintiff asks
6 whether he should file the documents received from the TCSO with the Court. Generally, such
7 documents are not to be filed with the Court until and unless they are in dispute.

8 Plaintiff also moves to amend his complaint to substitute the real names of the Doe
9 defendants. In addition, plaintiff seeks to clarify certain factual details in his pleading and to add
10 new defendants. Considering the procedural posture of this case and plaintiff's right to amend his
11 pleading once as a matter of course, see Fed. R. Civ. P. 15(a)(1), this motion will be denied as
12 moot. The Court thus **ORDERS** that:

- 13 1. The March 12, 2019, Order to Show Cause (Doc. 26) is **DISCHARGED**;
- 14 2. Plaintiff's motion to amend (Doc. 25) is **DENIED** as moot. Plaintiff shall file his third
15 amended complaint within thirty days from the date of this Order;
- 16 3. Plaintiff's request for further instruction (Doc. 29) is **GRANTED**; and
- 17 4. The Clerk of Court is directed to serve a copy of this Order on counsel for County of

18 Tuolumne:

19 **Lynn A. Garcia**
20 **Spinelli, Donald & Nott**
21 **601 University Avenue, Suite 225**
22 **Sacramento, CA 95825**

23 IT IS SO ORDERED.

24 Dated: April 25, 2019

25 /s/ Jennifer L. Thurston
26 UNITED STATES MAGISTRATE JUDGE

27 ¹ Plaintiff is correct that TCSO's response was mailed to him on February 12, 2019, slightly beyond the 30-day
28 deadline set forth in the Court's Order. While the response was indeed untimely, the Court declines to impose
sanctions on the TCSO for this brief delay.