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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAMONT SHEPARD,  
Plaintiff,  
v.  
M. BORUM, J. ACEBEDO,  
Defendant.

Case No. 1:18-cv-00277-DAD-HBK  
ORDER STRIKING PETITIONER'S  
SECOND AMENDED COMPLAINT  
(Doc. No. 21)

Plaintiff Lamont Shepard, a state prisoner proceeding *pro se*, initiated this action by filing a civil rights complaint under 42 U.S.C. § 1983 on February 26, 2018. (Doc. No. 1). On October 22, 2018, Shepard filed his first amended complaint. (Doc. No. 13). On March 4, 2019, Defendants filed an answer to the first amended complaint. (Doc. No. 19). On April 22, 2019, Plaintiff filed another complaint, which although not labeled as such, is considered a second amended complaint.<sup>1</sup> (Doc. No. 21). Plaintiff did not seek leave of Court to file a second amended complaint as required by Federal Rule of Civil Procedure 15(a)(2). Therefore, to the extent Plaintiff intended the filing to be a second amended complaint, the pleading is procedurally improper. Consequently, the Court will order the improper pleading stricken from the record.

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<sup>1</sup> The second amended complaint names the same defendants and appears to raise the same facts and claims set forth in Plaintiff's first amended complaint.

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Accordingly, it is **ORDERED**:

Plaintiff's second amended complaint (Doc. No. 21) is stricken from the record.

Dated: July 12, 2021

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE