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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRADLEY VAN DYKE,

Plaintiff,

v.

D.K. SISTO, et al.,

Defendants.

NO. CV-08-3120-JLQ

**ORDER RE: FIRST AMENDED
COMPLAINT**

On July 21, 2010, Plaintiff filed a First Amended Complaint. **Ct. Rec. 36.** Once an answer has been filed, a party may amend a pleading only by leave of court or by written consent of the adverse party. See Fed.R.Civ.P. 15(a). Because an answer was filed February 11, 2010, Plaintiff may not amend the complaint without obtaining leave of court. Plaintiff's amended complaint is therefore **STRICKEN** and this action will proceed on the existing pleadings. In addition, the court notes the following: Upon cursory review it does not appear as though the proposed amended complaint differs substantively from the original complaint. It does appear to attach one additional exhibit, which if necessary during the litigation, may be proffered to the court as evidence at the appropriate time. Plaintiff should also understand that any further proposed amendment would also be subject to further screening.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and provide a copy to Plaintiff and counsel.

DATED this 9th day of August 2010.

s/ Justin L. Quackenbush
JUSTIN L. QUACKENBUSH
SENIOR UNITED STATES DISTRICT JUDGE