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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARTHUR CARR,

Plaintiff,

No. 2:09-cv-0826 GEB KJN P

vs.

H. HER, et al.,

Defendants.

ORDER

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Defendants Her and Solorzano have answered the complaint. On April 22, 2010, plaintiff filed a motion to amend, accompanied by a proposed first amended complaint. Defendants have not filed an opposition or otherwise responded to the motion. On April 26, 2010, plaintiff filed a second amended complaint. On April 28, 2010, plaintiff filed a motion seeking a delay in ruling on the motion to amend, accompanied by another amended complaint, also entitled "Second Amended Complaint." (Dkt. No. 37.) Accordingly, the court will now consider the Second Amended Complaint, filed on April 28, 2010, as the operative complaint in this case. In light of the April 28 filing, the court will disregard the April 22, 2010 first amended complaint, and the April 26, 2010 second amended complaint.

Good cause appearing, plaintiff's motion to amend will be granted. Defendants Her and Solorzano will be granted twenty-one days in which to file an amended answer or a

1 statement of their intention to stand on their February 17, 2010 answer.

2 Plaintiff is cautioned that the court will not entertain any further motions to amend  
3 the complaint absent substantial good cause.

4 In the motion to amend, plaintiff seeks a “printout from the Clerk’s office of the  
5 entire set of local rules as set forth in the “scheduling order.” (Id. at 9.) Court records indicate  
6 that on April 24, 2009, the Clerk of Court was directed to provide plaintiff with a copy of the  
7 Local Rules of Court. (Dkt. No. 9.) It appears plaintiff was provided with a copy of Local Rules  
8 Nos. 144, 130, 110, 220, 281, 285, 250.1-250.4, 201, 142, 162.1, 163, 260, 231, 303, 304, 305,  
9 230, 182 and 183. (See “Selected Rules Applicable to Prisoner Civil Rights Cases.”) A  
10 comparison to the scheduling order reflects that the following Local Rules were not provided to  
11 plaintiff: 281, 134, 135, and 131. (Dkt. No. 30.) Accordingly, the Clerk of the Court will be  
12 directed to provide plaintiff with a copy of Local Rules 281, 134, 135, and 131.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. Plaintiff’s April 22, 2010 motion to amend is granted.
- 15 2. Plaintiff’s April 28, 2010 motion is granted.
- 16 3. Amended Complaints filed April 22, 2010 and April 26, 2010 are disregarded;  
17 and this action shall proceed on plaintiff’s April 28, 2010 second amended complaint.
- 18 4. Within twenty-one days from the date of this order, defendants Her and  
19 Solorzano shall file an amended answer or a statement of their intention to stand on their  
20 February 17, 2010 answer.
- 21 5. The Clerk of the Court is directed to send plaintiff copies of Local Rules 281,  
22 134, 135, and 131.

23 DATED: May 21, 2010

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26 KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE