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

CHARLES G. REECE,
Plaintiff,

No. CIV S-09-1350-GEB-CMK-P

vs.

ORDER

TOM L. CAREY, et al.,
Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion to amend his complaint (Doc. 37). Defendant has filed a statement of non-opposition to the motion.

Pursuant to Federal Rule of Civil Procedure 15, a party may amend his pleading once as a matter of right at any time before being served with a responsive pleading, or otherwise with consent of the opposing party or leave of court. Leave of court to file an amended complaint is to be freely given when justice so requires. Fed. R. Civ. Proc. 15.

Here, this action proceeds on plaintiff’s third amended complaint (Doc. 22). However, several of plaintiff’s claims have been dismissed, including a direct challenge to his prison disciplinary proceeding. (Docs. 25, 30). As a result of the claim relating to his prison

1 disciplinary proceeding being dismissed, plaintiff's related request for injunctive relief, in the
2 form of expungement of his prison disciplinary, was also dismissed. Plaintiff's request to amend
3 his complaint is limited to the removal of his request for injunctive relief. However, such a
4 request is unnecessary as that request was essentially eliminated from this action already.

5 Accordingly, IT IS HEREBY ORDERED that plaintiff's request to amend his
6 complaint (Doc. 37) is denied as unnecessary.

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8 DATED: January 23, 2012

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11 **CRAIG M. KELLISON**
12 UNITED STATES MAGISTRATE JUDGE
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