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

JOSEPH BECKER,

Plaintiff,

No. CIV S-10-0519 KJM EFB P

vs.

DAHL, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This action proceeds on the March 3, 2010 complaint. On January 19, 2011, plaintiff filed an amended complaint. Dckt. No. 53. As explained below, the court will strike the amended complaint because it is not accompanied by a motion demonstrating good cause for modification of the scheduling order.

On November 16, 2010, plaintiff requested leave to file an amended complaint. Dckt. No. 33. On January 13, 2011, the court denied plaintiff’s motion without prejudice on the ground that the proposed amendments were futile. Dckt. No. 52. The court also informed plaintiff that “any motion to amend filed in the future must be accompanied by a proposed amended complaint” and that “the court’s consideration of any future motion to amend will necessarily require modification of the discovery and scheduling order,” which requires a

1 showing of good cause. *Id.* at 8. While plaintiff has complied with the requirement of filing a  
2 proposed amended complaint, his filing is not accompanied by a motion demonstrating good  
3 cause for modification of the discovery and scheduling order. As plaintiff is aware, at this stage  
4 in the proceedings, he may not freely amend his complaint as a matter of course. *See id.* at 7.

5 Accordingly, IT IS HEREBY ORDERED that the January 19, 2011 amended complaint  
6 is stricken and the Clerk is directed to make a notation to that effect.

7 DATED: March 9, 2011.

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9 EDMUND F. BRENNAN  
10 UNITED STATES MAGISTRATE JUDGE  
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