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

JAMA A. HALL,

Plaintiff,

No. CIV S-10-1152 JAM EFB PS

vs.

PLACER COUNTY SHERIFF'S
DEPARTMENT; OFFICER ZENDER,
BADGE NO. 177,

ORDER

Defendants.

_____ /

This case, in which plaintiff is proceeding *pro se* and *in forma pauperis*, is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1). On November 8, 2010, plaintiff filed a motion to attach to the complaint an amended cause of action for an intentional tort. Dckt. No. 19. Then, on November 16, 2010, the undersigned issued an order construing plaintiff's November 8 motion as a motion to amend plaintiff's complaint pursuant to Federal Rule of Civil Procedure 15 and granted that motion. Dckt. No. 20. Plaintiff was given fourteen days to file an amended complaint that included all of plaintiff's proposed allegations. *Id.* On December 2, 2010, plaintiff filed a response to the November 16 order, stating that he was unable to meet the November 30 deadline due to unexpected, excusable personal reasons; requesting that the court accept the amended complaint

1 that was filed on November 8, 2010; and attaching an additional copy of the intentional tort
2 cause of action. Dckt. No. 21 at 2, 4.

3 On December 10, 2010, the undersigned issued an order granting plaintiff additional time
4 to file a complete amended complaint that included *all* of plaintiff's proposed allegations in this
5 action. Dckt. No. 22. The order further provided that defendants shall have fourteen days from
6 the date any amended complaint is served upon them to respond to that amended complaint. *Id.*

7 On December 27, 2010, plaintiff filed a "motion to attach per order of the court," along
8 with a copy of plaintiff's amended complaint. Dckt. No. 23. In light of plaintiff's filing of an
9 amended complaint, as directed in the December 10, 2010 order, plaintiff's "motion to attach per
10 order of the court" is denied as unnecessary, and plaintiff's December 27, 2010 amended
11 complaint, Dckt. No. 23 at 3-6, is deemed filed.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. Plaintiff's "motion to attach per order of the court," Dckt. No. 23, is denied as
14 unnecessary;

15 2. The Clerk of the Court is directed to file a copy of plaintiff's amended complaint,
16 Dckt. No. 23 at 3-6, as a separate docket entry labeled "Second Amended Complaint"; and

17 3. Defendants shall have fourteen days from the date this order is served upon them to
18 respond to plaintiff's second amended complaint.

19 SO ORDERED.

20 DATED: December 29, 2010

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22 EDMUND F. BRENNAN
23 UNITED STATES MAGISTRATE JUDGE
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