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

JACQUELINE CURRY,
Plaintiff,

No. CIV S-10-2592 JAM EFB PS

vs.

KAISER PERMANENTE HOSPITAL
FOUNDATIONS; CNA CALIFORNIA
NURSES ASSOCIATION,
Defendants.

ORDER

This case is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1). On September 23, 2010, plaintiff filed a complaint in this action. Dckt. No. 1. Then, on October 15, 2010, plaintiff filed a motion to amend the complaint to correct the name of one of the defendants. Dckt. No. 6. Plaintiff attached a copy of the proposed amended complaint to her motion to amend. *Id.*

Federal Rule of Civil Procedure 15(a)(1) provides that “[a] party may amend its pleading once as a matter of course within: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Rule 15(a)(2) provides that “[i]n all other cases, a party may amend its pleading only with the opposing party’s

1 written consent or the court's leave. The court should freely give leave when justice so
2 requires." Fed. R. Civ. P. 15(a)(2).

3 Plaintiff served her initial complaint on both of the defendants on October 1, 2010. Dckt.
4 No. 4. Because 21 days has not yet passed since plaintiff served her initial complaint, she does
5 not need leave of court to file the proposed amended complaint. *See* Fed. R. Civ. P. 15(a)(1)(A).
6 Therefore, plaintiff's motion for leave to amend her complaint, Dckt. No. 6, is denied as
7 unnecessary. The Clerk's Office is directed to file plaintiff's proposed amended complaint,
8 Dckt. No. 6, Ex. B, as a separate docket entry entitled, "First Amended Complaint."

9 SO ORDERED.

10 DATED: October 20, 2010.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE