

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

LAURA LESKINEN,

Plaintiff,

No. 2:10-cv-03363 MCE KJN PS

v.

CAROLYN A. HALSEY, et al.,

Defendants.

ORDER

Presently before the court is plaintiff’s “Request to Amend First Amended Complaint to Correct Two (2) Business Entity Names” (Dkt. No. 12). Plaintiff’s request constitutes a motion seeking leave to amend plaintiff’s First Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2) (“Motion”). Although plaintiff’s Motion does not comply with the requirements of Local Rules 137(c) and 230(b), the undersigned has considered plaintiff’s motion and grants plaintiff leave to file a second amended complaint.

Plaintiff filed her First Amended Complaint on May 6, 2011, and the Clerk of Court issued a summons that same day. (First Am. Compl., Dkt. No. 9; Summons in a Civ. Case, Dkt. No. 10.) On May 20, 2011, plaintiff filed the pending Motion for leave to amend and a proposed order that clarifies the nature of plaintiff’s requested relief. Plaintiff seeks leave to correct the names of two “incorrectly specified business entities.” (Motion at 2.) First, plaintiff

1 wishes to change or amend the name of defendant Marketplace Realty, LLC to the following:  
2 “Marketplace Realty, aka MarketPlace Realty, aka, Market Place Realty, aka The Marketplace  
3 Realty, aka The Marketplace.” (See Proposed Order at 1 (emphasis omitted), Dkt. No. 13; see  
4 also Motion at 2.) Second, plaintiff wishes to change or amend the name of defendant Pinks,  
5 Arbeit, Nemeth to the following: “Pinks, Arbeit & Nemeth, aka Pinks, Arbeit & Nemeth  
6 Attorneys At Law, aka Pinks, Arbeit and Nemeth.” (See Proposed Order at 1 (emphasis  
7 omitted), Dkt. No. 13; see also Motion at 2.) Plaintiff seeks to effectuate these amendments  
8 through the proposed order filed with the Motion.

9 The court grants plaintiff’s Motion. However, the court cannot effectuate  
10 amendments to the First Amended Complaint through the proposed order filed by plaintiff.  
11 Because any amended complaint must be complete in itself,<sup>1</sup> plaintiff must file a second  
12 amended complaint to effectuate the desired amendments.


13 Accordingly, IT IS HEREBY ORDERED that:

14 1. Plaintiff’s “Request to Amend First Amended Complaint to Correct Two  
15 (2) Business Entity Names” is (Dkt. No. 12) is granted.

16 2. Plaintiff shall file an amended complaint that effectuates plaintiff’s desired  
17 amendments and is complete in itself. The amended complaint must bear the docket number  
18 assigned to this case and must be entitled “Second Amended Complaint.” Plaintiff need only file  
19 a single, original Second Amended Complaint, including exhibits, with the court.

20 IT IS SO ORDERED.

21 DATED: May 25, 2011

22   
23 KENDALL J. NEWMAN  
24 UNITED STATES MAGISTRATE JUDGE

25 \_\_\_\_\_  
26 <sup>1</sup> See Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967); E. Dist. Local Rule 220.