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

JOSHUA LEWIS MASON,
Plaintiff,

No. CIV S-11-1309-CMK-P

vs.

ORDER

MERCY MEDICAL CENTER, et al.,
Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s second motion for leave to amend (Doc. 14). Pursuant to Federal Rule of Civil Procedure 15(a)(1), a party may amend his pleading once as a matter of right at any time before being served with a responsive pleading. A review of the docket reflects that no responsive pleading has been served. Therefore, as with plaintiff’s prior such motion, plaintiff’s motion is denied as unnecessary. Leave of court is not required to amend the complaint at this time.

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1 A further review of the docket shows that plaintiff has not responded to the
2 court's August 22, 2011, order dismissing the original complaint and directing plaintiff to file an
3 amended complaint. Plaintiff will be given one further opportunity to comply and is reminded
4 that failure to comply may result in dismissal of the entire action. See Local Rule 110. Plaintiff
5 is also cautioned that compliance consists of filing an amended complaint and not a third motion
6 for leave to amend.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's motion for leave to amend (Doc. 14) is denied as unnecessary;
9 and
10 2. Plaintiff shall file an amended complaint within 30 days of the date of this
11 order.

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13 DATED: November 14, 2011

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15 **CRAIG M. KELLISON**
16 UNITED STATES MAGISTRATE JUDGE
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