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

KENNETH R. HENRY,

No. 2:12-cv-2828-CMK-P

Plaintiff,

vs.

ORDER

PETER VANNI, 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 motion to file an amended complaint (Doc. 12).

On December 4, 2013, the undersigned issued an order dismissing plaintiff’s complaint and ordering plaintiff to file an amended complaint within 30 days. Instead of filing his amended complaint, he file the current motion. The motion is unnecessary as the court has already granted plaintiff leave to file an amended complaint. As it appears plaintiff may have been a bit confused as to his course of action, he will be provided additional time in which to file his amended complaint. Plaintiff is informed no motion is necessary as leave of court has already been granted. Plaintiff simply needs to file an amended complaint which addresses the deficiencies outlined by the court in the December 4, 2013 order.

1 Plaintiff is again cautioned that failure to file an amended complaint within the
2 time provided in this order may be grounds for dismissal of this action. See Ferdik v. Bonzelet,
3 963 F.2d 1258, 1260-61 (9th Cir. 1992); see also Local Rule 110.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's motion to amend the complaint (Doc. 12) is denied as
6 unnecessary;
- 7 2. The Clerk of the Court is directed to send plaintiff a new prisoner civil
8 rights form complaint; and
- 9 3. Plaintiff shall file an amended complaint within 30 days of the date of this
10 order.

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12 DATED: April 3, 2014

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