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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KRISTIANE SMITH,
Plaintiff,
v.
NCO FINANCIAL SYSTEMS, INC.,
Defendant.

No. 2:14-cv-1650 TLN CKD PS

ORDER


This action was removed to this court on July 14, 2015. On July 16, 2015, plaintiff filed a first amended complaint. Defendant thereafter on July 31, 2014 filed an answer. On January 14, 2015, plaintiff filed a second amended complaint. Under Federal Rule of Civil Procedure 15(a), plaintiff may file an amended complaint once as a matter of course. In this case, an answer was filed in response to the amended complaint; plaintiff's current filing is untimely under Federal Rule of Civil Procedure 15(a)(1)(B). Because plaintiff has not properly sought leave of court or obtained the opposing party's written consent to file a second amended complaint, the pleading will be stricken. See Federal Rule of Civil Procedure 15(a)(2).

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Accordingly, IT IS HEREBY ORDERED that plaintiff's second amended complaint (ECF No. 13) is stricken.

Dated: January 22, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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