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

DWIGHT TRINH,

No. 2:15-cv-2440-KJM-CMK

Plaintiff,

vs.

ORDER

JOKSCH,

Defendant.

_____/

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 for leave to amend (Doc. 6), together with a proposed amended complaint. 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, plaintiff's motion is denied as unnecessary. This action shall now proceed on the amended complaint, which supercedes the prior complaint. The amended complaint will be addressed by separate order.

IT IS SO ORDERED.

DATED: February 10, 2017



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE