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

MORRIS MESTER,

No. 2:16-CV-0651-TLN-CMK-P

Plaintiff,

vs.

ORDER

GABRIEL WILLIAMS, 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 (Doc. 18) for leave to file an amended/supplemental complaint.

The instant motion is plaintiff’s third such motion. Plaintiff’s first motion was filed on April 8, 2016, and was accompanied by an amended complaint, which was filed that same day. 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 first motion was denied as unnecessary. Plaintiff’s second motion was filed on April 28, 2016, but was not accompanied by any proposed amended/supplemental complaint. As a prisoner

1 proceeding in forma pauperis, plaintiff's pleadings are subject to evaluation by this court
2 pursuant to the in forma pauperis statute. See 28 U.S.C. §§ 1915(e)(2) and 1915A(a). Because
3 plaintiff did not submit a proposed amended/supplemental complaint, the court is unable to
4 evaluate it as required by law. Plaintiff's second motion for leave to amend was denied without
5 prejudice to renewal, within 30 days of the date of this order, accompanied by a proposed
6 amended complaint. Plaintiff was cautioned that, if no renewed motion and proposed amended
7 complaint are submitted within the time provided, this action shall proceed on the amended
8 complaint filed on April 8, 2016.

9 Plaintiff's current third motion is, once again, not accompanied by a complete
10 proposed amended/supplemental complaint. The motion will, therefore, be denied.

11 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for leave to
12 amend/supplement (Doc. 18) is denied.

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14 DATED: February 3, 2017

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