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

KERRY LATHAN,

No. 2:16-CV-0757-TLN-CMK-P

Plaintiff,

vs.

ORDER

CALIFORNIA DEPT. OF  
CORRECTIONS, 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 document entitled “Lodgement of Plaintiff’s Request to Amend Complaint and Denial by Chief Inmate Appeals Branch/Declaration in Support of Request” (Doc. 8).

To the extent plaintiff seeks to submit documents supporting his claim, plaintiff is advised that he need not include such material with his complaint. Plaintiff will be afforded the appropriate opportunities to present relevant evidence at a later stage of the proceedings.

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1 To the extent plaintiff seeks leave to amend his original complaint, leave of court  
2 is not necessary. The Federal Rules of Civil Procedure provide that a party may amend his or her  
3 pleading once as a matter of course within 21 days of serving the pleading or, if the pleading is  
4 one to which a responsive pleading is required, within 21 days after service of the responsive  
5 pleading, see Fed. R. Civ. P. 15(a)(1)(A), or within 21 days after service of a motion under Rule  
6 12(b), (e), or (f) of the rules, whichever time is earlier, see Fed. R. Civ. P. 15(a)(1)(B). In all  
7 other situations, a party's pleadings may only be amended upon leave of court or stipulation of all  
8 the parties. See Fed. R. Civ. P. 15(a)(2). Because no responsive pleading or Rule 12(b) motion  
9 has been filed, plaintiff may amend his complaint once without leave of court.

10 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion (Doc. 8) is  
11 denied as unnecessary.

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13 DATED: February 3, 2017

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