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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TOM M. FRANKS,

 Plaintiff,

 v.

J. CLARK KELSO, et al.,

 Defendants.

No. 2:17-cv-1056 KJM CKD P

ORDER

Plaintiff is a California prisoner proceeding se. On March 27, 2020, plaintiff filed a motion for leave to amend and a proposed amended complaint. In the amended complaint plaintiff requests to add defendant Steven Paul who was screened out when plaintiff’s original complaint was screened in 2017.¹ Plaintiff does not add anything material to the claim against defendant Paul and does not explain his two-and-a-half-year delay in seeking leave to amend. See Johnson v. Buckley, 356 F.3d 1067, 1077 (9th Cir. 2004) (among other things, the court considers futility of amendment and undue delay in considering whether to grant leave to amend). Further, the amended complaint is an incomplete supplemental pleading which is not permitted under Local Rule 220.

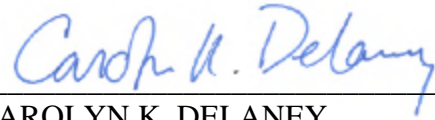
¹ The undersigned issued Findings and Recommendations on October 18, 2017, screening out a claim and several defendants including Steven Paul. (ECF No. 7). Plaintiff failed to file any objections to the Findings and Recommendations and the district judge assigned to the case at that time adopted them in full on November 14, 2017 (ECF No. 13).

1 Plaintiff's motion for leave to amend will be denied and the proposed amended complaint
2 stricken. Plaintiff is warned that the court views plaintiff's motion as frivolous especially at this
3 stage in plaintiff's case.² If plaintiff files other frivolous motions, or motions made in bad faith,
4 sanctions, including dismissal of this action, may issue.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's motion for leave to file an amended complaint (ECF No. 71) is denied; and
- 7 2. Plaintiff's amended complaint (ECF No. 72) is stricken.

8 Dated: March 31, 2020



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10 CAROLYN K. DELANEY
11 UNITED STATES MAGISTRATE JUDGE

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27 ² The defendants have already filed a motion for summary judgment (ECF No. 50), and Findings
28 and Recommendations partially granting and partially denying their motion is pending. (ECF No.
64).