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8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	MYCHAEL TYRONE SHANNON,	No. 2:17-CV-1084-JAM-DMC-P
12	Plaintiff,	
13	v.	<u>ORDER</u>
14	CALIFORNIA DEPARTMENT OF CORRECTIONS AND	
15	REHABILITATION,	
16	Defendants.	
17		
18	Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to	
19	42 U.S.C. § 1983. Pending before the court are plaintiff's: (1) motions for leave to amend (Docs.	
20	18 and 21); and (2) motion for an extension of time (Doc. 20).	
21	Plaintiff seeks leave to amend his complaint. The Federal Rules of Civil	
22	Procedure provide that a party may amend his or her pleading once as a matter of course within	
23	21 days of serving the pleading or, if the pleading is one to which a responsive pleading is	
24	required, within 21 days after service of the responsive pleading, see Fed. R. Civ. P. 15(a)(1)(A),	
25	or within 21 days after service of a motion under Rule 12(b), (e), or (f) of the rules, whichever	
26	time is earlier, see Fed. R. Civ. P. 15(a)(1)(B). In all other situations, a party's pleadings may	
27	only be amended upon leave of court or stipulation of all the parties. See Fed. R. Civ. P. 15(a)(2).	
28	Because no responsive pleading or motion under Rule 12 has been filed, leave of court is not	
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required to amend the complaint and plaintiff may do so as a matter of course without defendant's consent. Plaintiff, however, has not submitted any proposed amended complaint. For this reason, the action proceeds on the original complaint which is the subject of the court's August 29, 2018, findings and recommendations. Plaintiff also seeks an extension of time to file objections to the court's August 29, 2018, findings and recommendations. Good cause appearing therefor, the request will be granted. Accordingly, IT IS HEREBY ORDERED that: 1. Plaintiff's motions for leave to amend (Docs. 18 and 21) are denied as unnecessary; 2. Plaintiff's motion for an extension of time (Doc. 20) is granted; and 3. The parties may file objections to the court's August 29, 2018, findings and recommendations within 30 days of the date of this order. Dated: October 29, 2018 DENNIS M. COTA UNITED STATES MAGISTRATE JUDGE