

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JON HUMES,  
Plaintiff,  
v.  
GOV. JERRY BROWN,  
Defendant.

No. 2:17-cv-2503 KJM KJN P

ORDER

Plaintiff is a former county jail inmate, proceeding pro se and in forma pauperis. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

On October 18, 2018, the magistrate judge filed findings and recommendations herein recommending that plaintiff's complaint be dismissed without leave to amend. Plaintiff filed objections to the findings and recommendations, along with a motion to amend and a proposed amended complaint.

Plaintiff objects that he has been wrongfully required to register under California Penal Code Section 290, and seeks leave to amend because he claims he only recently learned how to draft a federal complaint. (ECF No. 20 at 2.) Plaintiff is permitted to amend his complaint once as a matter of course. Fed. R. Civ. P. 15(a)(1). Thus, in an abundance of caution, the court will

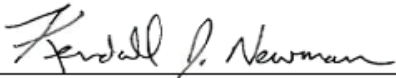
///

1 vacate the dismissal without leave to amend, and will grant plaintiff leave to amend. The court  
2 will screen plaintiff's proposed amended complaint by separate order.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations (ECF No. 17) are vacated; and
- 5 2. Plaintiff's motion to amend (ECF No. 20-1) is granted.

6 Dated: July 17, 2019

7   
8 \_\_\_\_\_  
9 KENDALL J. NEWMAN  
10 UNITED STATES MAGISTRATE JUDGE

11 /hume2503.mta

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28