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

DARON MICHAEL OLIVER,
Plaintiff,
v.
DUANE SHELTON, et al.,
Defendants.

No. 2:18-CV-1809-KJM-DMC-P

ORDER

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 request for leave to file an amended complaint (ECF No. 42).

On August 8, 2019, the court issued an order addressing the status of the pleadings in this case in the context of defendants’ then-pending motion to dismiss plaintiff’s first amended complaint. See ECF No. 41. The court noted at footnote 1: “The first amended complaint was filed with leave of court following the court’s ruling on defendants’ motion to dismiss plaintiff’s original complaint. See ECF No. 31 (April 23, 2019, district judge order granting defendants’ motion to dismiss and directing plaintiff to file a first amended complaint).” The court also noted: “This action, however, now proceeds on a superseding pleading, specifically a second amended complaint filed as of right on June 17, 2019 (ECF No. 36). See Fed. R. Civ. P. 15(a)(1)(A), (B).” The court also struck from the record a third amended complaint filed without

1 leave of court. See ECF No. 41, pg. 2.

2 In his current request for leave to amend, plaintiff states he “need to add new
3 defendants,” see id., but does not say who the new defendants are, what his factual allegations
4 against these new defendants are, or how they relate to the current pleading. As discussed above,
5 leave of court is required to further amend because plaintiff’s second amended complaint filed as
6 of right. Plaintiff’s current one-page, conclusory request simply fails to demonstrate good cause
7 for a court order permitting leave to amend.

8 The court will sua sponte extend the time for defendants to respond to plaintiff’s
9 second amended complaint.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Plaintiff’s request for leave to amend (ECF No. 42) is denied; and
- 12 2. Defendants shall file a response to plaintiff’s second amended complaint
13 within 30 days of the date of this order.

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16 Dated: August 29, 2019



17 DENNIS M. COTA
18 UNITED STATES MAGISTRATE JUDGE

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