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

SAMMY DAVIS MORGAN,  
Plaintiff,  
v.  
MORGAN, et al.,  
Defendants.

No. 2:19-CV-1179-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. Pending before the Court is Plaintiff’s motion, ECF No. 107, for leave to file a third amended complaint.

Plaintiff seeks to amend the second amended complaint to substitute the Sacramento County Sheriff’s Department in place of Defendant Sacramento County Main Jail. See id. at 1-2. Plaintiff also states he seeks to add new claims. See id. at 2-4. The motion is defective because Plaintiff has not submitted a proposed third amended complaint with the current motion. While Plaintiff submitted a third amended complaint with an earlier motion for leave to amend, See ECF Nos. 101 and 102, Plaintiff has by separate motion asked that those filing be withdrawn, a request the Court grants by separate order. Plaintiff’s current motion for

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1 leave to amend is denied without prejudice to renewal accompanied by a proposed third amended  
2 complaint.

3 IT IS SO ORDERED.  
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6 Dated: February 17, 2021



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8 DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE  
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