

1 Here, Plaintiff's original complaint has not been served and no defendant has
2 answered or filed a motion under Rule 12. Therefore, leave to amend is not necessary. While
3 Plaintiff's motion will be denied, Plaintiff may proceed with amending given the current status of
4 the pleadings. The Court will defer screening of Plaintiff's original complaint to allow Plaintiff
5 an opportunity to file a first amended complaint. If no first amended complaint is filed within 30
6 days of the date of this order, however, the action will proceed on the original complaint.

7 Accordingly, IT IS HEREBY ordered that Plaintiff's motion for leave to amend,
8 ECF No. 11, is denied as unnecessary.

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10 Dated: November 18, 2022



11 DENNIS M. COTA
12 UNITED STATES MAGISTRATE JUDGE