

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  
NORTHERN DISTRICT OF CALIFORNIA

Richard Owen Barton,  
Plaintiff,

No. C 09-4965 JL

v.

**NOTICE AND ORDER**

Washington Mutual/Chase, et al.,  
Defendants.

The Court received Plaintiff's Second Amended Complaint on November 16, 2009. Plaintiff had filed his First Amended Complaint on November 2, although he did not serve either document on Defendants. Rule 15, Federal Rules of Civil Procedure, permits a plaintiff to amend his complaint once as of right prior to a defendant's filing a responsive pleading. For any subsequent amendment, a plaintiff must request leave of court. Accordingly, Plaintiff in this case must file a motion for leave to file an amended complaint, if he wishes to amend his complaint a second time. The Clerk shall not file the Second Amended Complaint without leave of court.

IT IS SO ORDERED.

DATED: November 30, 2009

  
James Larson  
United States Magistrate Judge

G:\JLALL\CHAMBERS\CASES\CIVIL\09-4965\Order re request leave.wpd