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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

ALAN A. COOKE, *et al.*,

No. C 08-00016 SBA

Plaintiffs,

ORDER

v.

[Docket No. 33]

CHIEF MURL HARPUM, *et al.*

Defendants.

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Before the Court is Alan Cooke's Ex Parte Motion to Add Chief Investigator Mike Hislop of the Humboldt County District Attorney Office to Complaint as Defendant (the "Motion") [Docket No. 33]. Hislop was allegedly employed by the Eureka Police Department at the time of the incident giving rise to this matter, and was involved in this incident.¹ *See id.* Because no defendant has answered the initial complaint filed in this matter, Cooke may amend his complaint once without leave of Court. Fed. R. Civ. P. 15(a)(1)(A). As Cooke has not yet amended his complaint, he may do so without leave of Court. *See id.* Nonetheless, until he files a First Amended Complaint ("FAC"), the Court is unable to address his request, as an in forma pauperis plaintiff, for the Court to order the United States Marshall to serve this FAC on Hislop. *See Mot.* at 1-2. The Court DENIES the Motion as moot.

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IT IS SO ORDERED.

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October 21, 2008

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Saundra Brown Armstrong
United States District Judge

¹ The Court warns Cooke that ex parte motions may be filed only when authorized by the Federal Rules of Civil Procedure or the Local Civil Rules, and the authorization must be stated in the ex parte motion. N.D. Cal. Civ. L.R. 7-10.

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

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6 COOKE ET AL et al,
7 Plaintiff,

Case Number: CV08-00016 SBA

CERTIFICATE OF SERVICE

8 v.

9 HARPUM ET AL et al,
10 Defendant.

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12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,
Northern District of California.

13 That on October 22, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
in the Clerk's office.

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18 Alan A. Cooke
c/o Kim Starr
19 P.O. Box 5692
Eureka, CA 95502

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21 Dated: October 22, 2008

Richard W. Wiekling, Clerk
By: LISA R CLARK, Deputy Clerk

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