

United States District Court
For the Northern District of California

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

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KENNETH JEROME PACKNETT,)	No. C 09-0327 YGR (PR)
Plaintiff,)	ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT
v.)	
R. WINGO, et al.,)	
Defendants.)	(Docket Nos. 70, 72)

In this reopened *pro se* civil rights action, Plaintiff has filed a motion for leave to file an amended complaint (Docket Nos. 70, 72).

A plaintiff may amend his complaint once as a matter of course at any time before a responsive pleading is served. *See* Fed. R. Civ. P. 15(a). Where a plaintiff seeks to amend after a responsive pleading has already been served, however, the decision whether to grant leave to amend is committed to the sound discretion of the trial court. *Waits v. Weller*, 653 F.2d 1288, 1290 (9th Cir. 1981). Federal Rule of Civil Procedure 15(a) is to be applied liberally in favor of amendments and, in general, leave shall be freely given when justice so requires. *Janicki Logging Co. v. Mateer*, 42 F.3d 561, 566 (9th Cir. 1994).

As mentioned above, this case has been reopened, and the record shows that Defendants have been served. Plaintiff may as a matter of course amend his complaint because a responsive pleading has not yet been served. *See* Fed. R. Civ. P. 15(a). Moreover, Defendants do not oppose Plaintiff's

1 motion for leave to file an amended complaint. Therefore, the Court finds that it is in the interests of
2 justice to allow Plaintiff to amend his complaint. *See Janicki Logging Co.*, 42 F.3d at 566.

3 Accordingly, Plaintiff's motion for leave to file an amended complaint (Docket Nos. 70, 72) is
4 GRANTED.

5 The Clerk of the Court is directed to file the document attached to Plaintiff's motion, which is
6 labeled "Amended Civil Rights Complaint," and docket the aforementioned document as Plaintiff's
7 "Amended Complaint." The Clerk of the Court is further directed to mark the Amended Complaint
8 as filed on March 22, 2013, the date it was received by the Court. The Court will review Plaintiff's
9 Amended Complaint in a separate written Order.

10 This Order terminates Docket Nos. 70 and 72.

11 IT IS SO ORDERED.

12 DATED: September 24, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE