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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

FRANCISCO URIARTE,	
	Plaintiff,
vs.	
ARNOLD SCHWARZENEGGER <i>et al.</i> ,	
	Defendants.

CASE NO. 06 CV 01558 MMA
(WMc)

**ORDER GRANTING PLAINTIFF’S
MOTION FOR LEAVE TO FILE
SECOND AMENDED
COMPLAINT**

[Doc. No. 142]

On August 12, 2010, Plaintiff Francisco Uriarte, a state prisoner proceeding *pro se*, filed a motion for leave to file a second amended complaint. [Doc. No. 142.] Plaintiff asserts the proposed second amended complaint adds “nothing new” with respect to the CDCR Defendants. [Id. at ¶¶13-14.] Rather, Plaintiff requests leave to add a new corporate defendant, asserting that the “negligent and intentional tort acts” of existing “defendant Mark Greene are attributable to his employer, the Norment Security Group, Inc.” [Id. at ¶¶3-5.] In addition, Plaintiff asserts Defendant Mark Greene is also known as Larry W. Green, and seeks to substitute this name in place of Mark Greene. [Id. at ¶¶10-11.] Plaintiff’s proposed second amended complaint will allege two new causes of action against the Norment Security Group, for violation of 42 U.S.C. § 1983 and violation of the Product Liability Act. [Doc. No. 142-1, p.51-53.] The proposed second amended complaint also no longer asserts causes of action against Defendants J. Tilton, R. Hickman, J. Woodford, P. Farber-Szekreny and N. Grannis, each of whom were sued in their official capacities. [Doc. No. 142, ¶6.] Finally, Plaintiff notes that he would have removed

1 Defendant Arnold Schwarzenegger from the second amended complaint, but did not do so because
2 his name appears in the caption. [*Id.* at p.1.]

3 On August 25, 2010, Defendants filed a notice of non-opposition to Plaintiff's motion.
4 [Doc. No. 144.] Accordingly, the Court **GRANTS** Plaintiff's motion for leave to file a second
5 amended complaint. In light of the procedural posture of this case, however, absent extraordinary
6 circumstances, no further amendments shall be permitted.

7 **IT IS THEREFORE ORDERED** that:

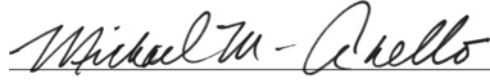
- 8 (i) The Clerk of Court shall docket Plaintiff's second amended complaint, which he
9 filed as an exhibit to his pending motion for leave to amend (Doc. No. 142-1), upon
10 entering this order.
- 11 (ii) The Clerk shall add Norment Security Group, Inc. as a defendant, and thereafter
12 issue a summons upon the company and forward it to Plaintiff along with a blank
13 U.S. Marshal Form 285. In addition, the Clerk shall provide Plaintiff with a
14 certified copy of this Order, the February 6, 2007 Order granting Plaintiff leave to
15 proceed *in forma pauperis* ("IFP") [Doc. No. 8], and a copy of his Second
16 Amended Complaint for purposes of serving this new defendant. Upon receipt of
17 this "IFP Package," Plaintiff is directed to complete the Form 285 as completely
18 and accurately as possible, and to return it to the United States Marshal according
19 to the instructions provided by the Clerk in the letter accompanying his IFP
20 Package. Thereafter, the U.S. Marshal shall serve a copy of the Second Amended
21 Complaint and summons upon Norment Security Group, Inc., as directed by
22 Plaintiff on the Form 285. The costs of service on this defendant shall be advanced
23 by the United States. *See* 28 U.S.C. § 1915(d); Fed. R. Civ. Proc. 4(c)(3).
- 24 (iii) The Clerk shall dismiss Defendants J. Tilton, R. Hickman, J. Woodford, P. Farber-
25 Szekreny, N. Grannis, and A. Schwarzenegger from this action. The caption for
26 this action shall remain unchanged, despite Defendant Schwarzenegger's dismissal;
- 27 (iv) Defendant Larry William Green shall be substituted in place of existing Defendant
28 Mark Greene.

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(v) All Defendants shall respond to the Second Amended Complaint within the time provided by the applicable provisions of Federal Rule of Civil Procedure 12(a).

IT IS SO ORDERED.

DATED: August 25, 2010



Hon. Michael M. Anello
United States District Judge