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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 ETIENNE L CHOQUETTE,

11 Plaintiff,

12 v.

13 BERNARD E WARNER et al.,

14 Defendants.

CASE NO. 3:15-CV-05838-BHS-JRC

ORDER GRANTING LEAVE TO
FILE AMENDED COMPLAINT

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16 The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States
17 Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. §
18 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4.

19 Plaintiff, proceeding *in forma pauperis*, filed this civil rights complaint pursuant to 42
20 U.S.C. § 1983. Presently before the Court is plaintiff's motion to amend complaint. Dkt. 58. Also
21 pending is defendant's motion to dismiss (Dkt. 40), which the Court will address in a separately
22 filed Report and Recommendation.

23 Under Rule 15(a) of the Federal Rules of Civil Procedure,

24 (1) *Amending as a Matter of Course*

1 A party may amend its pleading once as a matter of course within:
2 (A) 21 days after serving it, or
3 (B) if the pleading is one to which a responsive pleading is required,
4 21 days after service of a responsive pleading or 21 days after
5 service of a motion under Rule 12(b), (e), or (f), whichever is
6 earlier.

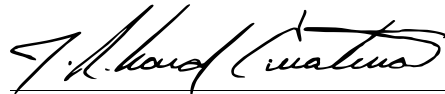
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8 **(2) Other Amendments**

9 In all other cases, a party may amend its pleading only with the
10 opposing party's written consent or the court's leave. The court
11 should freely give leave when justice so requires

12 Having reviewed plaintiff's motion, with no opposition from defendants, *see* Dkt. 59, the
13 Court grants plaintiff's motion to amend, Dkt. 58.

14 The Clerk is directed to docket the attached proposed third amended complaint, Dkt. 58-
15 1, as plaintiff's third amended complaint.

16 Dated this 8th day of November, 2016.

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J. Richard Creatura
United States Magistrate Judge