



(PC) Hazeltine v. Hicks et al

2015 | Cited 0 times | E.D. California | June 4, 2015

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RICK HAZELTINE,

Plaintiff, v. FRANCES HICKS, et al.,

Defendants.

Case No. 1:14-cv-00056 LJO DLB PC ORDER GRANTING MOTION TO FILE AMENDED COMPLAINT [ECF No. 17]

Plaintiff Rick Hazeltine, a civil detainee proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 15, 2014. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. On January 30, 2015, the Court screened the Complaint and determined that it stated a claim of excessive force in violation of the Eighth Amendment against Defendants Ian Young, Benjamin Gamez, Rashaun Casper, Julius Oldan, Porfirio Sanchez Negrete, David Avilia, Rickey Smith, and Charles Ho. Plaintiff was notified that he could proceed on the above claim or file an amended complaint. On February 20, 2015, Plaintiff filed a notice of his willingness to proceed on the above claim. Therefore, on March 3, 2015, the Court issued a Findings and Recommendation that all other claims and defendants be dismissed, and the case proceed on against the above-named defendants. Plaintiff did not file objections. Accordingly, on April 23, 2015, the District Court adopted the Findings and force. The Court dismissed all other claims, and Defendants Frances Hicks and Aldo Mendez

from the action. On May 21, 2015, Plaintiff moved to amend the complaint. Rule 15(a) of the Federal Rules of Civil Procedure provides that a party may amend its pleading once as a matter of course within 21 after serving the pleading, or if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. Fed. R. Civ. P. 15(a). In this case, Defendants filed answers to the complaint after Plaintiff moved to amend. Therefore, pursuant to Rule 15(a), Plaintiff may amend his complaint as a matter of course.

Accordingly, Plaintiff is GRANTED thirty (30) days from the date of service of this order to file a



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First Amended Complaint.

IT IS SO ORDERED. Dated: June 4, 2015 /s/ Dennis L. Beck UNITED STATES MAGISTRATE
JUDGE

