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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Alan Troy Nimer,

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No. CV-12-1435-PHX-ROS (LOA)

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Plaintiff,

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ORDER

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vs.

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Charles L. Ryan, et al.,

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Defendants.

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_____)

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This matter is before the Court on Plaintiff’s Motion to Amend Complaint. (Doc. 39)

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Defendants have filed a Response to Plaintiff’s Motion to Amend Complaint. (Doc. 43).

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Plaintiff has not filed a reply and the time to do so has expired. *See* Local Rules of Civil

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Procedure (“LRCiv”) 7.2(d) (providing that a reply, if filed, must be submitted no later than

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seven days after service of the response).

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Plaintiff initiated this action by filing a Civil Rights Complaint by a Prisoner on July

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2, 2012. (Doc. 1) Upon screening the Complaint pursuant to 28 U.S.C. § 1915A(a), the assigned

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District Judge dismissed it for failure to state a claim but granted Plaintiff leave to file an

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amended complaint. (Doc. 14 at 11-12) On February 8, 2013, Plaintiff filed a First Amended

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Complaint. (Doc. 23) Upon screening the First Amended Complaint, the District Judge directed

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Defendants Brown, Gabowski, Taylor and Hernandez to answer Counts One and Two, but

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dismissed Count Three, and several other defendants, without prejudice. (Doc. 24 at 16)

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In the instant motion, Plaintiff seeks leave to amend the First Amended Complaint,

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but the one-paragraph motion provides no explanation of how he intends to amend it or why

1 such amendments are necessary. Attached to the motion is a proposed Second Amended
2 Complaint. (Docs. 39-40)

3 Rule 15.1(a) of the Local Rules of Civil Procedure (“LRCiv”), which governs the
4 amendment of pleadings by motion, provides in pertinent part:

5 A party who moves for leave to amend a pleading must attach a copy of the
6 proposed amended pleading as an exhibit to the motion, which must
7 indicate in what respect it differs from the pleading which it amends, by
8 bracketing or striking through the text to be deleted and underlining the text
9 to be added. The proposed amended pleading must not incorporate by
10 reference any part of the preceding pleading, including exhibits.

11 LRCiv 15.1(a).

12 Here, although Plaintiff has attached a proposed Second Amended Complaint to the
13 motion, the proposed pleading does not comply with the requirements of Rule 15.1(a). Plaintiff
14 has not underlined any text to be added, thus it is unclear whether there are any new facts or
15 claims alleged in the proposed amended pleading. In addition, in the First Amended Complaint,
16 Plaintiff attached ten additional pages in support of his claim in Count One. In his proposed
17 Second Amended Complaint, there are only six pages attached in support of Count One and one
18 of those pages is completely lined through. Thus, the proposed amended pleading fails to
19 “indicate in what respect it differs from the pleading which it amends, by bracketing or striking
20 through the text to be deleted and underlining the text to be added.” LRCiv. 15(a). Simply
21 omitting pages without indicating to the Court what text has been deleted fails to comply with
22 the rule.

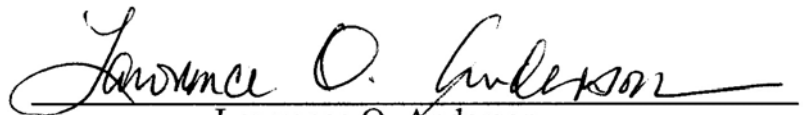
23 A district court’s local rules are not petty requirements, but have “the force of law.”
24 *Hollingsworth v. Perry*, 558 U.S. 183, ___, 130 S.Ct. 705, 710 (2010) (citation omitted). They
25 “are binding upon the parties and upon the court, and a departure from local rules that affects
26 substantial rights requires reversal.” *Professional Programs Group v. Department of Commerce*,
27 29 F.3d 1349, 1353 (9th Cir. 1994) (internal quotation marks omitted). The District Court of
28 Arizona routinely denies amendment motions for failure to comply with LRCiv 15(a). *See e.g.*,
Bivins v. Ryan, 2013 WL 321847, *4 (D. Ariz. Jan. 28, 2013); *J-Hanna v. Tucson Dodge Inc.*,
2012 WL 1957832, *1 (D. Ariz. May 31, 2012); *Huminski v. Heretia*, 2011 WL 2910536, at *1

1 (D. Ariz. July 18, 2011). “Anyone appearing before the court is bound by these Local Rules[,]
2 including “[p]arties not represented by an attorney unless the context requires otherwise.”
3 LRCiv 83.3(c)(1). In view of Plaintiff’s failure to comply with Rule 15.1(a), the Court will deny
4 the motion.

5 Accordingly,

6 **IT IS ORDERED** that Plaintiff’s Motion for Leave to Amend, doc. 39, is **DENIED**.

7 DATED this 4th day of February, 2014.

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10 Lawrence O. Anderson
11 United States Magistrate Judge
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