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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**

8  
9 Martinho Rocha,

10 Plaintiff,

11 v.

12 Kataushia Thomas, et al.,

13 Defendants.

No. CV-18-00155-PHX-ROS (DMF)

**ORDER**

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16 Pending before the Court is Plaintiff's motion to amend his complaint; the proposed  
17 First Amended Complaint is lodged with the Court (Docs. 33, 34). Because the motion  
18 was untimely filed without good cause, the Court will deny his motion.

19 On June 19, 2018, the Court issued its Scheduling and Discovery Order in this  
20 matter which, among other thing, set the dispositive motion deadline at November 17, 2018  
21 (Doc. 12). On July 3, 2018, the Court struck Plaintiff's First Amended Complaint because  
22 it failed to comply with LRCiv. 15.1(a) (Doc. 16). In so doing, the Court provided Plaintiff  
23 with the complete text of LRCiv. 15.1. On Plaintiff's request thereafter, on August 30,  
24 2018, this Court ordered that the Clerk of Court send Plaintiff a free copy of his original  
25 complaint (Doc. 26). Yet, Plaintiff's current motion to amend (Doc. 33) and the lodged  
26 proposed amended complaint (Doc. 34) do not comply with LRCiv 15.1, which requires  
27 that Plaintiff "indicate in what respect it differs from the pleading which it amends, by  
28 bracketing or striking through the text to be deleted and underlining the text to be added."

1 In other words, Plaintiff has repeatedly failed to comply with LRCiv. 15.1. On this basis  
2 alone, denial of the motion to amend is appropriate.


3 At Plaintiff's request and in light of what appeared to be unusual circumstances  
4 reported by Plaintiff, on October 1, 2018, the Court extended his deadline for filing an  
5 amended complaint to October 22, 2018 (Doc. 28). This Order was sent to Plaintiff in the  
6 usual course. In November, 2018, before the filing of Plaintiff's motion to amend, the only  
7 named and served Defendant filed for summary judgment on all the claims against her and  
8 the Court set Plaintiff's response deadline for the motion for summary judgment (Docs. 31,  
9 32). Plaintiff did not file his motion to amend his complaint until November 23, 2018  
10 (Doc. 33), which was also after the discovery deadline and dispositive motion deadline had  
11 passed (Doc. 12). If Plaintiff's motion to amend were granted at this time, the case would  
12 have to be restarted in that all the deadlines, including for service and discovery, would  
13 likely need to begin again.

14 Plaintiff justifies his delay in filing his First Amended Complaint by explaining that  
15 he had prepared his amended complaint before the Court's extended deadline of October  
16 22, 2018, and the Unit Librarian had asked him about whether he wanted to file the  
17 amended complaint but had not done so because he had not received a copy of the Court's  
18 Order extending his deadline (Doc. 33). It appears that there was nothing stopping Plaintiff  
19 from filing his motion earlier and that he had been repeatedly given the opportunity to do  
20 so by the Unit Librarian. The Court concludes that Plaintiff has not presented good cause  
21 for failing to comply with the Court's deadline.

22 For all the reasons above, the motion to amend (Doc. 33) will be denied.

23 **IT IS THEREFORE ORDERED** denying Plaintiff's Motion to Amend (Doc. 33).

24 Dated this 27th day of December, 2018.

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Honorable Deborah M. Fine  
United States Magistrate Judge