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United States District Court
Central District of California

GREGORY SANCHEZ,

Plaintiff,

v.

TEAMSTERS WESTERN REGION &
LOCAL 177 HEALTH CARE PLAN,

Defendant.

Case No. 5:16-cv-2083-ODW-PLA

**ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO AMEND
[18] AND DENYING AS MOOT
DEFENDANT'S MOTION TO
DISMISS [14]**

Plaintiff Gregory Sanchez, appearing *pro se*, asserts three causes of action against Defendant Teamsters Western Region & Local 177 Health Care Plan (“the Plan”): violation of Public Law 97-280; violation of the free exercise clause of the First Amendment to the United States Constitution; and violation of the Civil Rights Act of 1964. (*See* Compl., ECF No. 1.) On January 20, 2017, the Plan moved to dismiss Sanchez’s Complaint for failure to state a claim on which relief can be granted. (ECF No. 14); *see* Fed. R. Civ. P. 12(b)(6). Sanchez did not file an opposition to the motion, but on January 25, 2017, he did file a motion for leave to file an amended complaint. (ECF No. 18.) The Plan then filed a response to Sanchez’s motion, indicating that it does not oppose Sanchez filing an amended complaint but

1 that it has not received Sanchez's purported service of the amended complaint. (ECF
2 No. 27.)

3 Amendments at this stage of the litigation are generally permitted, and courts
4 should construe pleadings and papers of *pro se* litigants liberally. *See* Fed. R. Civ. P.
5 15(a)(2); *Estelle v. Gamble*, 429 U.S. 97, 106 (1976). As such, rather than address the
6 Plan's motion to dismiss at this stage, the Court **GRANTS** Sanchez's motion for leave
7 to amend and **DENIES AS MOOT** the Plan's motion to dismiss. Pursuant to Federal
8 Rule of Civil Procedure 15(a)(3), the Plan will be allowed fourteen days after service
9 of Sanchez's amended complaint in which to respond.

10 The Court advises Sanchez that he should file his new complaint at the Clerk's
11 Office window on the Fourth Floor of the Federal Courthouse located at 350 W. First
12 Street, Los Angeles, CA 90012. He must also serve a copy of the new Complaint on
13 the Plan at its address of record. If Sanchez does not file a new complaint within
14 thirty days of the date of this order, the Court will close this case for lack of
15 prosecution without further notice.

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17 **IT IS SO ORDERED.**

18
19 March 1, 2017

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22 **OTIS D. WRIGHT, II**
23 **UNITED STATES DISTRICT JUDGE**