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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

LARRY D. THOMAS,

Plaintiff,

v.

HECTOR ROBLES, et al.,

Defendants.

CASE NO. 1:09-cv-00443-LJO-YNP PC

ORDER DENYING MOTION TO AMEND

(Doc. 14)

Plaintiff Larry D. Thomas (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Before the Court is Plaintiff’s motion to amend his complaint pursuant to Federal Rule of Civil Procedure 15(a).

“Rule 15(a) is very liberal and leave to amend ‘shall be freely given when justice so requires.’” AmerisourceBergen Corp. v. Dialysis West, Inc., 445 F.3d 1132, 1136 (9th Cir. 2006) (quoting Fed. R. Civ. P. 15(a)). However, courts “need not grant leave to amend where the amendment: (1) prejudices the opposing party; (2) is sought in bad faith; (3) produces an undue delay in the litigation; or (4) is futile.” Id. The factor of “[u]ndue delay by itself . . . is insufficient to justify denying a motion to amend.” Owens v. Kaiser Foundation Health Plan, Inc., 244 F.3d 708, 712,13 (9th Cir. 2001) (quoting Bowles v. Reade, 198 F.3d 752, 757-58 (9th Cir. 1999)).

From the Court’s understanding of Plaintiff’s motion, leave to file an amended complaint in this instance would be futile. Plaintiff requests leave to file an amended complaint “to delete irrelevant parties; as well as irrelevant claims that can’t be joined in the same action.” (Notice of Mot. and Mot. for Leave to File an Amended Compl. 1:25-26.) Plaintiff’s Original Complaint was

