



1 facts upon which the proposed amendment is based but fails to include them in the original  
2 complaint, the motion to amend may be denied,” *E.E.O.C. v. Boeing, Co.*, 843 F.2d 1213, 1222  
3 (9th Cir. 1988) (quoting *Jordan v. County of L.A.*, 669 F.2d 1311, 1324 (9th Cir. 1982),  
4 *vacated on other grounds*, 459 U.S. 810 (1982)), and the “court’s discretion to  
5 deny leave to amend is particularly broad where the court has already given the plaintiff an  
6 opportunity to amend his complaint,” *Fidelity Financial Corp. v. Federal Home Loan Bank of*  
7 *San Francisco*, 792 F.2d 1432, 1438 (9th Cir. 1986).

8 Defendants contend that Plaintiff’s proposed amendments violate Rule 20(a) of the  
9 Federal Rules of Civil Procedure and Local Rule 220. Plaintiff seeks to amend his complaint to  
10 include claims against doctor DiLeo. Plaintiff alleges that doctor DiLeo denied Plaintiff his pain  
11 medication without reason in 2010. Plaintiff’s claims proceeding in this action concern events  
12 which occurred in 2009. Second Am. Compl., Doc. 25. In his second amended complaint,  
13 Plaintiff complained of his removal from single cell status, placement in a cell without grab bars,  
14 as well as failure to provide medical treatment for his back.

15 Plaintiff’s claim against doctor DiLeo arises from a different transaction or occurrence.  
16 Thus, Plaintiff is not allowed to join doctor DiLeo to this action. *See* Fed. R. Civ. P. 20(a)(2)  
17 (“Persons . . . may be joined in one action as defendants if: (A) any right to relief is asserted  
18 against them jointly, severally, or in the alternative with respect to or arising out of the same  
19 transaction, occurrence, or series of transaction or occurrences; and (B) any question of law or  
20 fact common to all defendants will arise in the action”). Thus, leave to amend would be futile, as  
21 Plaintiff’s proposed amendments would violate Rule 20(a)(2).<sup>1</sup>

22 Based on the foregoing, it is HEREBY ORDERED that Plaintiff’s motion to amend, filed  
23 May 5, 2011, is denied.

24 IT IS SO ORDERED.

25 **Dated: July 5, 2011**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE

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28 <sup>1</sup> As the Court agrees with Defendants’ first argument regarding Federal Rule of Civil Procedure 20(a)(2),  
the Court does not reach Defendants’ arguments regarding Local Rule 220.