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I.

DISCUSSION

"Rule 15(a) is very liberal and leave to amend 'shall be freely given when justice so requires."" <u>AmerisourceBergen Corp. v. Dialysis West, Inc.</u>, 465 F.3d 946, 951 (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." <u>AmerisourceBergen Corp.</u>, 465 F.3d at 951. Relevant to the futility factor, a plaintiff may not bring unrelated claims against unrelated parties in a single action. Fed. R. Civ. P. 18(a), 20(a)(2); <u>Owens v. Hinsley</u>, 635 F.3d 950, 952 (7th Cir. 2011); <u>George v. Smith</u>, 507 F.3d 605, 607 (7th Cir. 2007).

First, contrary to Plaintiff's contention, Plaintiff's second amended complaint did not contain a distinct common law claim of negligence, but rather sought relief under the California Constitution which the Court addressed in the February 20, 2015, screening order and properly found such claim not cognizable by way of section 1983. (ECF No. 43, Order at 7-8.) Second, the Court's February 20, 2015, screening order addressed any potential due process claim and found insufficient facts to support such a claim. (ECF No. 43, Order at 5-6.) Plaintiff subsequently agreed to proceed on the cognizable claims identified in the Court's screening order. (ECF No. 44.) Third, Plaintiff's present motion to amend is defective. Local Rule 137(c) requires that all motions for leave to amend be accompanied by the proposed amended complaint. Plaintiff's motion to amend is DENIED, *without prejudice*, to re-filing in a timely manner if so desired.

4 || IT IS SO ORDERED.

Dated: September 28, 2015

Tot A. B.

UNITED STATES MAGISTRATE JUDGE