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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AHKEEM WILLIAMS,
Plaintiff,
v.
KIM PEDRIERO, et al.,
Defendants.

Case No. 1:12-cv-00606-SKO PC
ORDER DENYING MOTION TO AMEND,
WITHOUT PREJUDICE TO RENEWAL
WITHIN THIRTY DAYS
(Doc. 42)

Plaintiff Akheem Williams, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on April 17, 2012. This action is proceeding against Defendants Garcia, Valdez, Cortez, Silva, Castro, Day, Stephens, Collier, Torres, Delia, and Tordson for use of excessive physical force, in violation of the United States Constitution.

On August 5, 2013, Plaintiff filed a motion to amend. Fed. R. Civ. P. 15(a). Defendants did not file a response.¹ Local Rule 230(l).

“Rule 15(a) is very liberal and leave to amend ‘shall be freely given when justice so requires.’” *AmerisourceBergen Corp. v. Dialysis West, Inc.*, 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.” *Id.*

¹ The motion lacked a proof of service, an issue which was addressed in a separate concurrently filed order.

1 In this instance, Plaintiff's failure to include a proposed amended complaint precludes the
2 Court from evaluating whether leave to amend should be granted. Based on that procedural
3 deficiency, Plaintiff's motion for leave to amend is HEREBY DENIED, without prejudice to
4 renewal within thirty (30) days.²

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7 IT IS SO ORDERED.

8 Dated: October 2, 2013

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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25 _____
26 ² The deadline for amending the pleadings was September 12, 2013. Given that Plaintiff's motion to amend was
27 timely filed and he is proceeding pro se, the Court will permit him a limited period of thirty days within which to
28 renew his motion. If Plaintiff elects to file another motion for leave to amend accompanied by a proposed amended
complaint within the next thirty days, he is placed on notice that the amended complaint must be complete within
itself, as it will supercede his present complaint, should leave to amend be granted. Local Rule 220; *Lacey v.*
Maricopa County, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc).