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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DION ANDERSON,
Plaintiff,
v.
L. CAHLANDER, et al.,
Defendants.

Case No. 1:12-cv-01966 LJO DLB PC
ORDER GRANTING PLAINTIFF’S
MOTION TO FILE SECOND AMENDED
COMPLAINT
[ECF No. 21]
ORDER DIRECTING CLERK OF COURT
TO FILE LODGED SECOND AMENDED
COMPLAINT
[ECF No. 22]

Plaintiff Dion Anderson (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983.

Plaintiff filed his initial complaint on December 3, 2012. The Court dismissed the complaint on June 7, 2013, and granted Plaintiff leave to file a First Amended Complaint. On August 23, 2013, Plaintiff filed his First Amended Complaint. On July 10, 2014, he filed a motion to file a Second Amended Complaint and lodged the proposed Second Amended Complaint on the same date.

“Rule 15(a) is very liberal and leave to amend ‘shall be freely given when justice so requires.’” Amerisource Bergen 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

1 delay in the litigation; or (4) is futile.” Id. Here, Defendants have not yet been served.
2 Therefore, Defendants will not be prejudiced by the filing of a Second Amended Complaint.
3 The Court will grant Petitioner’s motion.

4 Accordingly, IT IS HEREBY ORDERED:

- 5 1) Plaintiff’s motion to file a Second Amended Complaint is GRANTED; and
- 6 2) The Clerk of Court is DIRECTED to file the lodged Second Amended Complaint.

7
8 IT IS SO ORDERED.

9 Dated: August 26, 2014

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE