

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 25, 2014

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE