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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSEPH GRIMES,) 1:13cv00393 DLB PC
)
Plaintiff,) ORDER
)
vs.) (Document 14)
)
BITER, et al.,)
)
Defendants.)

Plaintiff Joseph Grimes (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on March 18, 2013.¹ Pursuant to Court order, Plaintiff filed his First Amended Complaint on December 2, 2013. The First Amended Complaint is currently awaiting screening.

On February 7, 2014, Plaintiff filed a Motion for Leave to File a Second Amended Complaint. He states that he has been transferred and has had difficulty getting access to the law library.

“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

¹ Plaintiff consented to the jurisdiction of the United States Magistrate Judge on June 3, 2013.

1 amendment: (1) prejudices the opposing party; (2) is sought in bad faith; (3) produces an undue
2 delay in the litigation; or (4) is futile.” *Id.* The factor of “[u]ndue delay by itself . . . is
3 insufficient to justify denying a motion to amend.” *Owens v. Kaiser Foundation Health Plan,*
4 *Inc.*, 244 F.3d 708, 712-13 (9th Cir. 2001) (quoting *Bowles v. Reade*, 198 F.3d 752, 757-58 (9th
5 Cir. 1999)).

6 At this stage of the proceedings, Plaintiff may amend his complaint and his GRANTED.
7 Plaintiff SHALL file an amended complaint within thirty (30) days of the date of service of this
8 order.
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10 IT IS SO ORDERED.
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12 Dated: February 14, 2014

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