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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 TONY LEE HILL,

12 Plaintiff,

13 vs.

14 CDCR, et al.,

15 Defendants.
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1:14-cv-00002-LJO-GSA-PC

ORDER GRANTING MOTION TO
AMEND
(Doc. 16.)

ORDER DIRECTING CLERK TO FILE
SECOND AMENDED COMPLAINT
LODGED ON FEBRUARY 3, 2014
(Doc. 17.)

17 **I. BACKGROUND**

18 Tony Lee Hill ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in
19 this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing
20 this action on January 2, 2014. (Doc. 1.)

21 On January 8, 2014, Plaintiff filed a request to add supplemental information to the
22 original Complaint. (Doc. 6.) On January 13, 2014, the court issued an order informing
23 Plaintiff that he is permitted to file an amended complaint once as a matter of course pursuant
24 to Rule 15(a) of the Federal Rules of Civil Procedure. (Doc. 8.) Plaintiff was granted thirty
25 days in which to amend the Complaint. Id. On January 21, 2014, Plaintiff filed the First
26 Amended Complaint. (Doc. 14.)

27 On February 3, 2014, Plaintiff filed a motion to amend and lodged a proposed Second
28 Amended Complaint. (Doc. 16.) Plaintiff's motion for leave to amend is now before the court.

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2 **II. LEAVE TO AMEND – RULE 15(a)**

3 Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend the
4 party’s pleading once as a matter of course at any time before a responsive pleading is served.
5 Fed. R. Civ. P. 15(a). Otherwise, a party may amend only by leave of the court or by written
6 consent of the adverse party, and leave shall be freely given when justice so requires. *Id.* Here,
7 because Plaintiff has already amended the complaint once, Plaintiff requires leave of court to
8 file a Second Amended Complaint.

9 “Rule 15(a) is very liberal and leave to amend ‘shall be freely given when justice so
10 requires.’” *AmerisourceBergen Corp. v. Dialysis West, Inc.*, 445 F.3d 1132, 1136 (9th Cir.
11 2006) (quoting Fed. R. Civ. P. 15(a)). However, courts “need not grant leave to amend where
12 the amendment: (1) prejudices the opposing party; (2) is sought in bad faith; (3) produces an
13 undue delay in the litigation; or (4) is futile.” *Id.* The factor of “[u]ndue delay by itself . . . is
14 insufficient to justify denying a motion to amend.” *Owens v. Kaiser Foundation Health Plan,*
15 *Inc.*, 244 F.3d 708, 712,13 (9th Cir. 2001) (quoting *Bowles v. Reade*, 198 F.3d 752, 757-58
16 (9th Cir. 1999)).

17 **Plaintiff’s Motion**

18 Plaintiff requests leave to file a Second Amended Complaint to add defendants.
19 Plaintiff explains that he recently discovered, with assistance, what should be included in the
20 complaint. Plaintiff has lodged a proposed Second Amended Complaint for the court’s review.

21 **Discussion**

22 Plaintiff’s First Amended Complaint arises from events beginning on September 27,
23 2013, in which Plaintiff alleges that false disciplinary charges were brought against him,
24 resulting in a loss of good time credits and Plaintiff’s voluntary detention in administrative
25 segregation for his protection. Plaintiff alleges that he was subject to adverse conditions of
26 confinement in administrative segregation, and he experienced difficulties processing inmate
27 appeals. Plaintiff names four defendants in the First Amended Complaint.

