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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 CORINA MAREZ, as Guardian ad Litem
12 for E.R., K.R., and S.R., minors; and
RUBY RODRIGUEZ, an individual,

13 Plaintiffs,

14 v.

15 COUNTY OF STANISLAUS, et al.,

16 Defendants.
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No. 1:14-CV-00662-KJM-SKO

ORDER

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19 On April 8, 2015, plaintiffs filed an *ex parte* application for leave to file a third
20 amended complaint. ECF No. 61. The proposed third amended complaint deletes one claim
21 against Stanislaus County and the Stanislaus County Sheriff's Department, in which the plaintiffs
22 alleged violations of California Government Code section 845.6, and adds a claim for violation of
23 42 U.S.C. § 1983 against the same two defendants. *See* Proposed Third Am. Compl., ECF No.
24 61-1. These changes were spurred by the County's and Sheriff's Department's pending motion
25 for summary judgment, which argues the section 845.6 claims were defective. *See* Mot. Summ. J.
26 4-11, ECF No. 60. Filing of the proposed third amended complaint would render this pending
27 motion moot. No party filed an opposition to the plaintiffs' *ex parte* application.

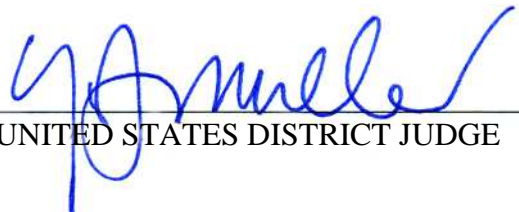
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1 Federal Rule of Civil Procedure 15 governs amendments to the pleadings. Its
2 policy favors amendment, and leave to amend should normally be granted unless amendment
3 “would cause the opposing party undue prejudice, is sought in bad faith, constitutes an exercise in
4 futility, or creates undue delay.” *Ascon Props., Inc. v. Mobil Oil Co.*, 866 F.2d 1149, 1160 (9th
5 Cir. 1989). Here, it appears the amendment will cause no undue prejudice, is not sought in bad
6 faith, is not futile, and will not unduly delay the proceedings. As noted above, no party opposed
7 the application. The discovery cutoff and dispositive motion deadline are currently set in 2016.

8 The *ex parte* application is GRANTED. The proposed third amended complaint is
9 deemed FILED. The pending motion for summary judgment is DENIED AS MOOT. This order
10 resolves ECF Nos. 60 and 61.

11 IT IS SO ORDERED.

12 DATED: April 15, 2015.

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16 UNITED STATES DISTRICT JUDGE
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