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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANGELINA NUNES, et al.,
Plaintiffs,
v.
COUNTY OF STANISLAUS, et al.,
Defendants.

Case No. 1:17-cv-00633-DAD-SAB
ORDER DENYING STIPULATION FOR
PLAINTIFFS TO FILE A FIRST AMENDED
COMPLAINT WITHOUT PREJUDICE
(ECF No. 33)

On May 5, 2017, Plaintiffs filed a complaint. (ECF No. 1.) After Defendants’ motion to dismiss was denied, they filed an answer on September 29, 2017. (ECF No. 21.) On October 17, 2017, the Court held the scheduling conference, and the scheduling order issued on October 19, 2017. (ECF Nos. 23, 24.) On July 6, 2018, Plaintiffs filed a stipulation for Plaintiffs to file a first amended complaint. (ECF No. 33.)

The scheduling order states that “[a]ny motions or stipulations requesting leave to amend the pleadings must be filed no later than **May 1, 2018**. The parties are advised that filing motions and/or stipulations requesting leave to amend the pleading does not reflect on the propriety of the amendment or imply good cause to modify the existing schedule, if necessary.” (ECF No. 24 at 2.)

Since Plaintiffs are not entitled to amend their complaint as a matter of course, see Fed. R. Civ. P. 15(a)(1), they are required to file a motion or stipulation requesting leave to amend

1 their complaint, see Fed. R. Civ. P. 15(a)(2). Rule 6(b)(1) of the Federal Rules of Civil
2 Procedure provides that:

3 When an act may or must be done within a specified time, the court may, for good
4 cause, extend the time:

- 5 (A) with or without motion or notice if the court acts, or if a request is made, before
6 the original time or its extension expires; or
7 (B) on motion made after the time has expired if the party failed to act because of
8 excusable neglect.

9 Fed. R. Civ. P. 6(b)(1).

10 The parties' stipulation for Plaintiffs to file a first amended complaint does not provide
11 any explanation for why the request to file a first amended complaint was not made before the
12 May 1, 2018 deadline to amend the pleadings. Therefore, Plaintiffs have not shown excusable
13 neglect for not filing the request to file a first amended complaint prior to the deadline to amend
14 the pleadings.

15 Accordingly, it is HEREBY ORDERED that the stipulation for Plaintiffs to file a first
16 amended complaint is DENIED without prejudice.

17 IT IS SO ORDERED.

18 Dated: July 9, 2018

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21 UNITED STATES MAGISTRATE JUDGE
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