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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ROBERT C. WILLIAMS,)	Case No. 1:17-cv-00916-DAD-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING PLAINTIFF’S MOTION TO
v.)	AMEND THE PLEADINGS
)	
GERARDO ALCALA, et al.,)	[ECF No. 33]
)	
Defendants.)	
)	

Plaintiff Robert C. Williams is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff’s motion to amend the complaint, filed February 26, 2018.

Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend the party’s pleading once as a matter of course twenty-one days after serving, or if a response was filed, within twenty-one days after service of the response. Fed. R. Civ. P. 15(a)(1). Otherwise, a party may amend only by leave of the court or by written consent of the adverse party. Fed. R. Civ. P. 15(a)(2). 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)). “This policy is to be applied with extreme liberality.” C.F. v. Capistrano Unified Sch. Dist., 654 F.3d 975, 985 (9th Cir. 2011). “This liberality in granting leave to amend is not dependent

1 on whether the amendment will add causes of action or parties.” DCD Programs, Ltd. v. Leighton,
2 833 F.2d 183, 186 (9th Cir. 1987). However, courts “need not grant leave to amend where the
3 amendment: (1) prejudices the opposing party; (2) is sought in bad faith; (3) produces an undue delay
4 in the litigation; or (4) is futile.” AmerisourceBergen Corp., 465 F.3d at 951.

5 In this instance, Defendants filed an answer on December 15, 2017. Plaintiff did not file a first
6 amended complaint within twenty-one days of Defendants’ answer. Therefore, Plaintiff requires
7 leave of court to file an amended complaint. Although the scheduling order set a deadline for
8 amendment as June 21, 2018, this did not grant Plaintiff automatic leave to file an amended complaint.
9 Accordingly, Plaintiff’s motion to amend the pleadings is denied without prejudice.

10
11 IT IS SO ORDERED.

12 Dated: February 28, 2018



UNITED STATES MAGISTRATE JUDGE