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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RYAN JAMES JOHNSON,)	Case No.: 1:17-cv-01159-SAB (PC)
)	
Plaintiff,)	ORDER GRANTING PLAINTIFF’S
)	MOTION FOR LEAVE TO AMEND
v.)	COMPLAINT
)	
)	(ECF No. 8)
)	
K. GRAVES, et al.,)	
)	
Defendants.)	
)	

Plaintiff Ryan James Johnson is a state prisoner proceeding 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 for leave to amend compliant, filed on October 2, 2017. (ECF No. 8.) Plaintiff seeks leave to amend so that he may substitute the name “C. Villanueva” for the previously-identified fictitious defendant, Jane Doe. Plaintiff has filed a proposed amended complaint. (ECF No. 9.)

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, and leave shall be freely given when justice so requires. 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)).

1 However, courts “need not grant leave to amend where the amendment: (1) prejudices the
2 opposing party; (2) is sought in bad faith; (3) produces an undue delay in the litigation; or (4) is
3 futile.” AmerisourceBergen Corp., 465 F.3d at 951.

4 Here, the original complaint has not yet been screened or served, and Plaintiff seeks leave
5 to amend only to add the name of a previously-identified Doe defendant. Plaintiff is entitled to
6 amend his complaint under these circumstances as a matter of course. Plaintiff’s amended
7 complaint will be screened in due course.

8 For the foregoing reasons, it is HEREBY ORDERED that:

- 9 1. Plaintiff’s motion for leave to file an amended complaint is granted; and
- 10 2. The Clerk of the Court shall update the docket to reflect the addition of Defendant

11 C. Villanueva.

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13 IT IS SO ORDERED.

14 Dated: October 3, 2017

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17 UNITED STATES MAGISTRATE JUDGE
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