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

DENNIS CURTIS HISLE,)	Case No. 1:17-cv-01400-NONE-SAB (PC)
)	
Plaintiff,)	
)	ORDER GRANTING PLAINTIFF’S MOTION TO
v.)	AMEND THE COMPLAINT, AND DIRECTING
)	THE CLERK OF COURT TO FILE THE SECOND
MARLYN CONANAN, et al.,)	AMENDED COMPLAINT LODGED ON MARCH
)	19, 2020
Defendants.)	
)	(ECF Nos. 108, 109)
)	

Plaintiff Dennis Curtis Hisle 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 March 19, 2020. (ECF No. 108.) On April 7, 2020, Defendants filed a statement of non-opposition to Plaintiff’s motion to amend. (ECF No. 112.)

Rule 15 of the Federal Rules of Civil Procedure provides that “[t]he court should freely give leave” to amend a pleading “when justice so requires.” Fed R. Civ. P. 15(a)(2). The Ninth Circuit has instructed that the policy favoring amendments “is to be applied with extreme liberality.” Morongo Band of Mission Indians v. Rose, 893 F.2d 1074, 1079 (9th Cir. 1990). “In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to

1 the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave
2 sought should, as the rules require, be ‘freely given.’ ” Foman v. Davis, 371 U.S. 178, 182 (1962).

3 Here, Plaintiff timely seeks to amend the complaint, “to include his claim that Dr. Conan
4 failed to provide a lay-in order on May 5, 2016 as reflected in her medical progress notes as well as
5 the urgent request to see pulmonologist.” (Mot. at 3.) The Court finds that justice would be served by
6 permitting Plaintiff to amend his complaint as specified above. Accordingly, in the absence of any
7 undue prejudice to Defendants, as evidenced by their lack of opposition to the motion, Plaintiff’s
8 motion to amend and file a second amended complaint shall be granted.

9 Based on the foregoing, it is HEREBY ORDERED that:

- 10 1. Plaintiff’s motion to amend the complaint, filed on March 19, 2020 (ECF No. 109) is
11 GRANTED; and
- 12 2. The Clerk of Court shall file the second amended complaint, lodged on March 19,
13 2020 (ECF No. 108).

14
15 IT IS SO ORDERED.

16 Dated: April 13, 2020



UNITED STATES MAGISTRATE JUDGE