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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY WILLIAMS CORTINAS,  
Plaintiff,  
v.  
RAVIJOT GILL, JR., *et al.*,  
Defendants.

Case No. 1:18-cv-00515-NONE-HBK (PC)  
FINDINGS AND RECOMMENDATIONS TO  
DENY PLAINTIFF’S MOTION TO FILE  
SUPPLEMENTAL PLEADING  
FOURTEEN-DAY OBJECTION PERIOD  
(Doc. No. 36)

Plaintiff Larry Williams Cortinas, a state prisoner, initiated this action on April 10, 2018 by filing a pro se civil rights complaint under 42 U.S.C. § 1983. (Doc. No. 1). Plaintiff is proceeding on his first amended complaint. (Doc. No. 17). Before the Court is Plaintiff’s motion to file a supplemental complaint under Federal Rule of Civil Procedure 15(d). (Doc. No. 36). It is within the court’s discretion as to whether to permit the filing of a supplemental complaint. *Howard v. City of Coos Bay*, 871 F.3d 1032, 1040 (9th Cir. 2017) (“only at the district court’s discretion are parties permitted to file a supplemental complaint”).

In his one-page motion, Plaintiff states that “parties acting” behalf of Defendants are retaliating against him due to his filing of the instant complaint. (*Id.*). The Court finds the motion procedurally deficient. Under Local Rule 137(c), where a party moves to file a document which requires leave of Court, such as a supplemental pleading, the party “shall attach the

1 document proposed to be filed as an exhibit to moving papers seeking such leave and lodge a  
2 proposed order.” The undersigned is unable to exercise any discretion whether to permit the  
3 supplemental pleading from Plaintiff’s sparse motion.


4 Accordingly, it is **RECOMMENDED**:

5 Plaintiff’s motion to file a supplemental pleading (Doc. No. 22) be DENIED without  
6 prejudice.

7 **NOTICE TO PARTIES**

8 These findings and recommendations will be submitted to the United States district judge  
9 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen  
10 (14) days after being served with these findings and recommendations, a party may file written  
11 objections with the Court. The document should be captioned “Objections to Magistrate Judge’s  
12 Findings and Recommendations.” Parties are advised that failure to file objections within the  
13 specified time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834,  
14 838-39 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

15  
16 Dated: August 24, 2021

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE