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

ALLEN HAMMLER,	)	Case No.: 1:19-cv-00373-AWI-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER GRANTING PLAINTIFF’S MOTION
v.	)	TO AMEND THE COMPLAINT, AND
	)	DIRECTING CLERK OF COURT TO FILE THE
CLARK, et.al.,	)	FIRST AMENDED COMPLAINT, LODGED ON
	)	MARCH 26, 2020
Defendants.	)	(ECF Nos. 80, 81)
	)	
	)	
	)	

Plaintiff Allen Hammler 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, along with a copy of the proposed amended complaint, filed March 26, 2020, respectively. (ECF Nos. 80, 81.) Defendants have not filed an opposition and the time to do has now expired. Local Rule 230(1).

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 seeks to amend the complaint solely to add a request for damages. (ECF No.  
4 80.) The Court finds that justice would be served by permitting Plaintiff to amend his complaint to  
5 add a demand for relief of damages. Accordingly, in the absence of any undue prejudice to  
6 Defendants, as evidenced by their lack of opposition to the motion, Plaintiff’s motion to amend and  
7 file a first amended complaint shall be granted.

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

- 9 1. Plaintiff’s motion to amend the complaint, filed on March 26, 2020 (ECF No. 80) is  
10 GRANTED;
- 11 2. The Clerk of Court shall file the first amended complaint, lodged on March 26, 2020  
12 (ECF No. 81); and
- 13 3. Within ten (10) days from the date of service of this order, Defendants may file an  
14 amended answer, if so desired.

15  
16 IT IS SO ORDERED.

17 Dated: April 17, 2020

  
18 UNITED STATES MAGISTRATE JUDGE