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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VELDEMETRIC R. THOMAS,
Plaintiff,
v.
HOME DEPOT, U.S.A., INC.,
Defendant.

No. 2:13-cv-02250-TLN-AC

ORDER

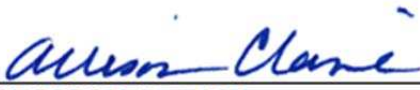
This matter is before the undersigned pursuant to Local Rule 302(c)(21). Presently before the court is plaintiff’s motion for leave to amend her fourth amended complaint. ECF No. 68.

Federal Rule of Civil Procedure 15(a) instructs district courts that “leave [to amend] shall be freely given when justice so requires.” “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 the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave sought should, as the rules require, be freely given.” Schultz v. Wal-Mart Stores, Inc., 68 Fed. Appx. 130, 132 (9th Cir. 2003) (quoting Foman v. Davis, 371 U.S. 178, 182 (1962) (internal quotation marks omitted)). “The strong policy permitting amendment is to be applied with ‘extreme liberality.’” Id. (quoting Eminence Capital, L.L.C. v. Aspeon, Inc., 316 F.3d 1048, 1051 (9th Cir. 2003)).

1 In light of the strong presumption in favor of leave to amend, the court will grant
2 plaintiff's motion. However, plaintiff is warned that the court will not be inclined to grant future
3 motions seeking leave to amend. Plaintiff has twice previously been granted leave to amend her
4 complaint, ECF Nos. 46, 62, and has attempted to amend her complaint on five other occasions,
5 ECF Nos. 39, 53, 54, 59, 66. Plaintiff can only seek to amend her complaint so many times
6 before the prejudice to defendant outweighs the presumption in favor of granting leave to amend.
7 Defendant must be allowed to file a responsive pleading or motion, and it cannot do so if plaintiff
8 is ceaselessly amending her complaint.

9 Accordingly, THE COURT HEREBY ORDERS that plaintiff's motion for leave to
10 amend, ECF No. 68, is GRANTED. Defendant must file a responsive pleading or motion by June
11 18, 2015.

12 DATED: June 4, 2015

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14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE
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