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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DESHAWN CATHEY,
Plaintiff,
v.
CITY OF VALLEJO, et al.,
Defendants.

No. 2:14-cv-01749-JAM-AC

ORDER

This matter is before the undersigned pursuant to Local Rule 302(c)(21). On April 3, 2015, plaintiff filed his first motion for leave to amend with a scheduled hearing for April 29, 2015. ECF Nos. 14, 15. On April 20, 2015, defendants filed an opposition to plaintiff’s motion. ECF No. 16. In light of the liberal standard applicable to motions for leave to amend, the court will grant plaintiff’s motion and vacate the hearing scheduled for April 29, 2015.

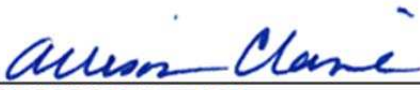
Federal Rule of Civil Procedure 15(a) instructs district courts that “leave [to amend] shall be freely given when justice so requires.” “In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies 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

1 omitted). “The strong policy permitting amendment is to be applied with ‘extreme liberality.’”
2 Id. (quoting Eminence Capital, L.L.C. v. Aspeon, Inc., 316 F.3d 1048, 1051 (9th Cir. 2003)
3 (citation omitted in original).

4 Plaintiff seeks permission to amend his complaint in order to add allegations that
5 defendant Jodi Brown used deadly force during his arrest. ECF No. 14 at 2. Defendants’
6 opposition argues, in one sentence, that plaintiff’s motion should be denied because his factual
7 allegations cannot support a finding of deadly force. ECF No. 16. The court finds that in light of
8 the strong policy in favor of granting leave to amend, plaintiff’s motion should be granted.
9 Accordingly, THE COURT HEREBY ORDERS that:

- 10 1. The court’s April 29, 2015, hearing on plaintiff’s motion for leave to amend is
11 VACATED; and
- 12 2. Plaintiff’s motion for leave to amend, ECF No. 14, is GRANTED. Plaintiff’s
13 operative complaint is now his first amended complaint. ECF No. 15.

14 DATED: April 23, 2015

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16 ALLISON CLAIRE
17 UNITED STATES MAGISTRATE JUDGE
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