

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRAD ROBERT MILLER,
Petitioner,
v.
SCOTT FRAUENHEIM,
Respondent.

No. 2:15-cv-1365 JAM CKD P

ORDER

This pro se habeas action proceeds on the petition filed June 29, 2015. (ECF No. 1.)
Petitioner challenges his 2012 murder conviction in the Placer County Superior Court. (Id.)
Respondent has filed an answer to the petition. (ECF No. 13.)

Before the court is petitioner’s motion to amend the petition, accompanied by a proposed
First Amended Petition. (ECF Nos. 17, 18.) Respondent has not opposed the motion.

Under Rule 15(a) of the Federal Rules of Civil Procedure, leave to amend shall be given
freely when justice requires. In deciding whether justice requires granting leave to amend, factors
to be considered include the presence or absence of undue delay, bad faith, dilatory motive,
repeated failure to cure deficiencies by previous amendments, undue prejudice to the opposing
party, and futility of proposed amendment. Based on the foregoing factors, the undersigned
concludes that justice requires leave to amend in this instance.

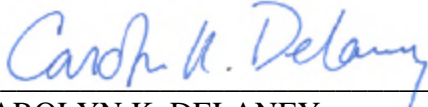
////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's motion to amend (ECF No. 17) is granted;
2. This action shall proceed on the First Amended Petition (ECF No. 18); and
3. Respondent is directed to file a response to petitioner's amended habeas petition within thirty days from the date of this order. See Rule 4, 28 U.S.C. foll. § 2254.

Dated: January 20, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

2/mill1365.amend