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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TANYA GRACE MCDANIEL,  
Plaintiff,  
v.  
UNITED STATES DEPARTMENT OF  
JUSTICE, et al.,  
Defendants.

No. 2:15-cv-01664-JAM-AC

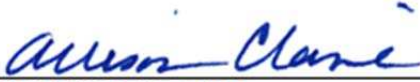
ORDER

On September 22, 2015, the court recommended that plaintiff’s complaint be dismissed with prejudice, finding its allegations to be so incredible that they need not be accepted as true. ECF No. 3. On October 9, 2015, plaintiff filed objections to the court’s recommendations. ECF No. 4. Then, on October 13, 2015, plaintiff filed an amended complaint and request for leave to amend. ECF Nos. 5, 6. The court has already recommended that plaintiff’s complaint be dismissed with prejudice. Accordingly, any request for leave to amend should have been submitted with plaintiff’s objections. Nevertheless, the court has reviewed plaintiff’s motion and proposed amended complaint. Plaintiff’s proposed amended complaint includes the same incredible allegations as her original complaint. Accordingly, the court will deny plaintiff’s motion for leave to amend because amendment would be futile. See Miller v. Rykoff-Sexton, Inc., 845 F.2d 209, 214 (9th Cir. 1988) (“A motion for leave to amend may be denied if it appears

1 to be futile or legally insufficient.”)

2 In accordance with the foregoing, THE COURT HEREBY ORDERS that plaintiff’s  
3 motion for leave to amend, ECF No. 6, is DENIED.

4 DATED: October 21, 2015

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6 ALLISON CLAIRE  
7 UNITED STATES MAGISTRATE JUDGE  
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