

1 be sued in their personal capacity under § 1983. *Hafer v. Melo*, 502 U.S. 21, 31 (1991). The
2 court cannot conclude on this record that Kyle’s proposed amendment would be futile, and Rule
3 15(a) imposes a “very liberal” policy in favor of amendment. *AmerisourceBergen Corp. v.*
4 *Dialysist W., Inc.*, 465 F.3d 946, 951 (9th Cir. 2006). The complaint is thus **dismissed with**
5 **leave to amend**, and the findings and recommendations are adopted in part to that extent. **Any**
6 **amended complaint must be filed within 60 days**. This matter is referred again to the assigned
7 magistrate judge for all pretrial purposes.

8 IT IS SO ORDERED.

9 DATED: June 7, 2021.

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CHIEF UNITED STATES DISTRICT JUDGE