

1 original). Of these elements, the prejudice to the opposing parties is assigned the greatest weight.
2 *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003).

3 The entirety of plaintiff's motion to amend states, "[t]he plaintiff in the above matter is
4 requesting to file an amended complaint with the Eastern District Court of California." ECF
5 No.38. Defendant opposes, arguing that plaintiff's motion should be denied because he did not
6 file a proposed amended complaint. ECF No. 39.

7 Plaintiff has not filed a proposed amended complaint, so I cannot analyze it properly.
8 Additionally, plaintiff has not articulated any cause for amending his complaint. Therefore, I will
9 recommend that plaintiff's motion to amend be denied without prejudice. *See Fletcher v.*
10 *Dzurenda*, No. 2:18-CV-01077-RFB-VCF, 2020 WL 13748446, at *1 (D. Nev. June 16, 2020)
11 (denying the pro se prisoner's motion to amend for failure to attach the proposed amended
12 complaint).

13 Accordingly, it is hereby RECOMMENDED that plaintiff's motion to amend, ECF No.
14 38, be denied.

15 These findings and recommendations are submitted to the United States District Judge
16 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
17 after being served with these findings and recommendations, any party may file written
18 objections with the court and serve a copy on all parties. Such a document should be captioned
19 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
20 objections shall be served and filed within fourteen days after service of the objections. The
21 parties are advised that failure to file objections within the specified time may waive the right to
22 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
23 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

24
25 IT IS SO ORDERED.

26 Dated: May 13, 2024

27 
28 JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE