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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. CV 09-1944 MHP

DENIZ BOLBOL,
Plaintiff,
v.
CITY OF DALY CITY, et al.,
Defendants.

MEMORANDUM & ORDER

Re: Motion for Leave to File a First Amended
Complaint

Plaintiff filed suit against various defendants alleging violations of civil rights under both federal and state law. Defendants are the City of Daly City (“City”), Daly City Police Department (“DCPD”), Daly City Police Chief McLane (“McLane”) and Daly City Police Officer Kranz (“Kranz”). On November 17, 2010, plaintiff’s action was consolidated with *Ennis v. City of Daly City, et. al.*, CV 09 5318 MHP.

Plaintiff previously sought leave file a first amended complaint. At the hearing, at which time the court also considered the parties’ cross-motions for summary judgment, the court directed plaintiff to file a proposed first amended complaint to permit the court to review any prospective new claims plaintiff intended to allege. Plaintiff instead filed a first amended complaint without receiving leave from the court to do so. Accordingly, plaintiff next filed a proposed second amended complaint, identical to plaintiff’s first amended complaint, which added new defendants and a claim under 42 U.S.C. § 1985, but which failed to comport with the court’s conclusions with respect to the parties’ cross-motions for summary judgment. *See* Docket No. 86 (Memorandum & Order) at 28-30.

1 Because the PSAC does not comport with the court's conclusions with respect to the parties' cross-
2 motions for summary judgment, and in light of the court's recent order regarding plaintiff Ennis'
3 almost identical third amended complaint, *see Ennis v. City of Daly City, et. al.*, CV 09 5318 MHP,
4 docket no. 61, plaintiff's motion to file a SAC is GRANTED in part and DENIED in part as follows:
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6 (1) Plaintiff shall amend the complaint in a manner consistent with the court's previous order with
7 respect to the parties' cross motion for summary judgment, *see Memorandum & Order*;

8 (2) Consistent with the court's order in *Ennis v. City of Daly City, et. al.*, CV 09 5318 MHP, plaintiff
9 may add as new defendants certain DCPD officers; the Carson and Barnes Circus and certain of its
10 employees; and the 1-A Agricultural Association (Cow Palace) and certain of its employees, *see*
11 Memorandum & Order; and

12 (3) The court denies plaintiff leave to add a claim under 42 U.S.C. § 1985.
13

14 IT IS SO ORDERED.

15
16 Dated:

February 22, 2011



MARILYN HALL PATEL
United States District Court Judge
Northern District of California