

1
2
3
4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6
7

8 PAUL FAIRFAX SOARES,

No. C 12-05979 SI

9 Plaintiff,

**ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO AMEND
COMPLAINT**

10 v.

11 JEFFREY LORONO, *et al.*,

12 Defendants.
13 _____/

14
15 *Pro se* plaintiff Soares has filed a motion for leave to file a first amended complaint. Pursuant
16 to Civil Local Rule 7-1(b), the Court finds this matter suitable for disposition without oral argument and
17 therefore VACATES the hearing currently scheduled for April 26, 2012. Having considered the papers
18 of the parties, and for good cause appearing, the Court hereby GRANTS plaintiff's motion.

19 Once the time for amending a complaint as a matter of course has passed, further amendments
20 may only be made with leave of the court. *See* Fed. R. Civ. P. 15(a)(2). Rule 15(a)(2) provides that
21 "[t]he court should freely give leave when justice so requires," which represents a public policy strongly
22 in favor of amendments. *See Chodos v. West Publishing Co.*, 292 F.3d 992, 1003 (9th Cir. 2002) ("It
23 is generally our policy to permit amendment with 'extreme liberality' . . ."). "When considering a
24 motion for leave to amend, a district court must consider whether the proposed amendment results from
25 undue delay, is made in bad faith, will cause prejudice to the opposing party, or is a dilatory tactic." *Id.*
26 A court may also deny leave to amend "if amendment of the complaint would be futile." *Gordon v. City*
27 *of Oakland*, 627 F.3d 1092, 1094 (9th Cir. 2010).

28 Plaintiff Soares filed his initial complaint on May 16, 2012 in the U.S. District Court for the

1 District of New Jersey. On November 16, 2012, the case was transferred to the Northern District of
2 California. Defendants have already answered the initial complaint. Plaintiff's amended complaint adds
3 several new defendants, but no new causes of action. Plaintiff declares that in the amended complaint
4 he "corrected numerical errors" and "sought to clarify allegations." Soares Decl. ¶ 3. Plaintiff has not
5 previously amended his complaint, there is no other currently pending motion, and defendants have not
6 opposed the motion to amend the complaint.

7 The Court finds that the motion to amend the complaint was not made in bad faith and will not
8 cause prejudice to the opposing party. Pursuant to the generous policy permitting amendments, the
9 Court finds that allowing plaintiff to amend his complaint for the first time would be in the interest of
10 justice.

11 For the foregoing reasons and for good cause shown, the Court GRANTS plaintiff's motion to
12 file an amended complaint.

13
14 **IT IS SO ORDERED.**

15
16 Dated: April 15, 2013



SUSAN ILLSTON
United States District Judge