

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JONATHAN LINDER,

Plaintiff,

v.

THE CITY OF EMERYVILLE, et al.,

Defendants.

---

No. C -13-01934 EDL

**ORDER DENYING PLAINTIFF'S  
REQUEST TO AMEND COMPLAINT**

Plaintiff filed this action on April 26, 2013, and Defendant filed a motion to dismiss on June 4, 2013. Plaintiff did not file an opposition to the motion to dismiss by the deadline of June 18, 2013. On June 27, 2013, the Court vacated the hearing on Defendant's motion to dismiss, and will decide Defendant's motion on the papers submitted.

On July 15, 2013, Plaintiff filed a Request to Amend Complaint and Request to be an Efiler. On July 18, 2013, the Court denied without prejudice Plaintiff's Request to be an Efiler, and provided Plaintiff with instructions on how to properly apply to participate in the electronic filing program.

On July 16, 2013, Plaintiff lodged a copy of a proposed First Amended Complaint. However, Plaintiff's proposed amended complaint was not timely filed. See Fed. R. Civ. P. 15 (a party may amend a pleading once as a matter of right within twenty-one days after serving it, or "if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e) or (f), whichever is earlier.").

Therefore, the Request to Amend the Complaint is denied.

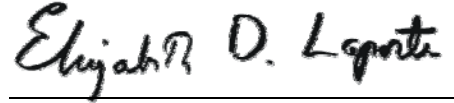
The Court will consider whether to grant leave to amend in the context of the motion to dismiss. Plaintiff may wish to seek assistance from the Legal Help Center, a free service of the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Volunteer Legal Services Program, by calling (415)782-8982 or signing up for an appointment on the 15th Floor of the Courthouse, Room 2796. At the Legal Help Center, Plaintiff may speak with an attorney who may be able to provide basic legal help, but not legal representation. The Court also urges Plaintiff to obtain a copy of the Pro Se Handbook, available free of charge from the Court's website ([www.cand.uscourts.gov](http://www.cand.uscourts.gov)) or in the Clerk's Office on the 16th Floor, 450 Golden Gate Avenue, San Francisco, CA.

**IT IS SO ORDERED.**

Dated: July 23, 2013



ELIZABETH D. LAPORTE  
United States Chief Magistrate Judge