

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
28UNITED STATES DISTRICT COURT
For the Northern District of California

UNITED STATES DISTRICT COURT
Northern District of California
San Francisco Division

EDGAR PERRY,

No. C 13-02369 LB

Plaintiff,

**ORDER DENYING PLAINTIFF'S
"MOTION TO ADJOIN PFSA TO
THIS ACTION"**

v.

CASHCALL, INC, et al.,

[Re: ECF No. 14]

Defendants.

Plaintiff Edgar Perry, who is proceeding *pro se*, filed a complaint against defendants CashCall, Inc. and the United States Consumer Financial Protection Agency. Complaint, ECF No. 1. The court granted Mr. Perry's application to proceed *in forma pauperis*, so presumably both defendants have been served. IFP Order, ECF No. 5. CashCall, Inc. filed a motion to dismiss the complaint, which is currently pending. Motion to Dismiss, ECF No. 11.

On July 10, 2013, Mr. Perry filed a "Motion to Adjoin PFSA to this Action." Motion, ECF No. 14. Mr. Perry states that the "PFSA" is Portuguese Fraternal Society of America. *Id.* at 1. He asks that the court allow him "to introduce into evidence" certain correspondence he apparently mailed to the PFSA. *Id.*

The court construes Mr. Perry's motion as one to file an amended complaint to add new allegations. Federal Rule of Civil Procedure 15 sets forth the standard for amending a complaint. Rule 15(a), which relates to amendments before trial, provides:

(a) Amendments Before Trial.

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

(1) Amending as a Matter of Course. A party may amend its pleading once as a matter of course within:

(A) 21 days after serving it, or

(B) 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.

(2) Other Amendments. In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.

(3) Time to Respond. Unless the court orders otherwise, any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later.

Mr. Perry's motion is **DENIED** without prejudice. If Mr. Perry wishes to file a First Amended Complaint (or a motion for leave to file a First Amended Complaint) that adds new allegations relating to certain correspondence he apparently mailed to the PFSA, he must comply with Rule 15. The court urges Mr. Perry to review the court's handbook for pro se litigations, *Representing Yourself in Federal Court: A Handbook for Pro Se Litigants*, which is attached to this order, and to make an appointment with JDC Legal Help Center (tel: 415-782-8982), which is located at the United States Courthouse, 450 Golden Gate Avenue, 15th Floor, Room 2796, San Francisco, California, 94102, to receive assistance on this matter.

IT IS SO ORDERED.

Dated: July 17, 2013



LAUREL BEELER
United States Magistrate Judge