

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 FILE SECOND
AMENDED COMPLAINT**

v.

CASHCALL, INC., et al.,

[Re: ECF No. 76]

Defendants.

INTRODUCTION

On May 24, 2013, Plaintiff Edgar Perry, who is proceeding pro se, filed a Complaint against CashCall, Inc., and the United States Consumer Financial Protection Agency. *See* ECF No. 1.¹ Then, on July 28, 2013, pursuant to Federal Rule of Civil Procedure 15(a)(1), Perry filed a First Amended Complaint as a matter of course against CashCall, the Portuguese Fraternal Society of America, the First Bank of California, and the State of California. *See* ECF No. 18. All four Defendants have separately filed Motions to Dismiss Perry's First Amended Complaint. *See* CashCall Motion, ECF No. 25; First Bank of California Motion, ECF No. 32; Portuguese Fraternal Society of America Motion, ECF No. 37; State of California Motion, ECF No. 70. These Motions to

¹ Citations are to the Electronic Case File ("ECF") with pin cites to the electronically-generated page numbers at the top of the document.

1 Dismiss are pending and set for hearing on March 20, 2014.

2 Now, Plaintiff has filed a one-sentence Motion to File a Second Amended Complaint which
3 states in full, "An[d] now comes the plaintiff and prays the court to file an amended Complaint."
4 See ECF No. 76. The standard for filing an amended complaint under Federal Rule of Civil
5 Procedure 15 states that after a party has amended its pleading once as a matter of course, it "may
6 amend its pleading only with the opposing party's written consent or the court's leave. The court
7 should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). Plaintiff's motion does
8 not meet the Rule 15(a) standard: it contains no argument or citations in support of it and otherwise
9 fails to demonstrate any reason why justice requires that he be allowed to file a second amended
10 complaint while Defendants' Motions to Dismiss are pending. At this stage, the court will address
11 the pending Motions to Dismiss first.

12 Accordingly, Plaintiff's motion is **DENIED**. The Motion to Dismiss hearings will take place as
13 scheduled on March 20, 2014 at 9:30 AM in Courtroom C, 15th Floor, United States District Court,
14 450 Golden Gate Ave, San Francisco 94102.

15 **IT IS SO ORDERED.**

16 Dated: February 20, 2014



17 _____
18 LAUREL BEELER
19 United States Magistrate Judge
20
21
22
23
24
25
26
27
28