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

VICTOR GUERRERO,
Plaintiff,

No. C 13-05671 WHA

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS & REHABILITATION;
STATE PERSONNEL BOARD; and in
their official capacities JEFFREY BEARD,
Secretary of the California Department of
Corrections and Rehabilitation; SUZANNE
AMBROSE, Executive Officer of State
Personnel Board; K. CARROLL,
Lieutenant; D. SHARP, Sergeant;
BARBARA LEASHORE, Hearing Officer;
C. HESTER, Lieutenant, V. MAYOL,
Lieutenant; S. COX, Lieutenant; V.
MYERS, Sergeant,
Defendants.

**ORDER RE MOTION
FOR LEAVE TO FILE
AMENDED COMPLAINT**

After reviewing the supplemental briefing filed by both sides, plaintiff will be given the benefit of additional discovery in order to make the best possible argument for amending his equal protection claim against both defendants and his Title VII claim against SPB. The May 7 order directed plaintiff to complete discovery on his procedural due process claim against both defendants and his Title VII claim against CDCR by September 2, 2014, which is eight weeks after defendants filed their summary judgment motions on those claims. In addition to seeking discovery on those claims, plaintiff is on notice that he should also be actively seeking discovery on his equal protection claim and his Title VII claim against SPB by the September 2 deadline.

1 Accordingly, plaintiff's current motion for leave to amend is **DENIED WITHOUT PREJUDICE** to a
2 renewed motion once additional discovery has been completed.

3 A renewed motion for leave to amend his equal protection claim against both defendants
4 and his Title VII claim against SPB, no longer than twelve pages, must be filed by **SEPTEMBER**
5 **2, 2014**. Time to amend will be extended if defendants fail to cooperate in discovery and
6 plaintiff is diligent, which includes bringing any necessary and timely motions to compel. A
7 proposed amended complaint must be appended to this motion, and should include as an exhibit
8 a redlined or highlighted version identifying all changes. This will be plaintiff's last chance to
9 seek leave to file an amended complaint, so he must plead his best case and *must include all*
10 *relevant factual allegations* to support his claims. The opposition brief, no longer than twelve
11 pages, must be filed by **SEPTEMBER 16**. The reply brief, no longer than six pages, must be filed
12 by **SEPTEMBER 23**. The motion hearing will be set for **8:00 A.M. ON OCTOBER 2, 2014**.

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14 **IT IS SO ORDERED.**

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16 Dated: July 17, 2014.

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19 WILLIAM ALSUP
20 UNITED STATES DISTRICT JUDGE
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