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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAJASON CALL,
Plaintiff,
v.
SA MATT BADGLEY, et al.,
Defendants.

Case No. 15-cv-03353-HSG

**ORDER GRANTING MOTION FOR
LEAVE TO EXTEND TIME FOR
FILING SECOND AMENDED
COMPLAINT**

Re: Dkt. No. 66

Pending before the Court is Plaintiff Jason Call's motion for leave to extend time to file a second amended complaint ("SAC"). Dkt. No. 66.

Under Federal Rule of Civil Procedure 6(b)(1)(B), the Court may, for good cause, extend time if a party has failed to act because of excusable neglect. To determine whether Plaintiff has shown excusable neglect, the Court considers four factors: (1) the danger of prejudice to the nonmoving parties; (2) the length of the delay; (3) the reason for the delay; and (4) whether the moving party acted in good faith. See *Linder v. Bridge*, No. 14-CV-03861 SC, 2015 WL 1778608, at *2 (N.D. Cal. Apr. 17, 2015) (citing *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 395 (1993)).

Having reviewed Plaintiff's motion and the County Defendants' declaration in opposition, the Court finds that leave to file the SAC is warranted here. Plaintiff's counsel has established that she acted diligently upon discovering her mistake, and the Court finds no evidence of bad faith. In addition, the Court finds minimal risk of prejudice to the nonmoving parties given that Plaintiff's SAC is less than two months late and all parties were aware that Plaintiff had been given leave to file an SAC.


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Accordingly, the Court GRANTS Plaintiff's motion for leave to extend time to file an SAC. Plaintiff may file the SAC by November 14, 2016.

IT IS SO ORDERED.

Dated: 11/10/2016


HAYWOOD S. GILLIAM, JR.
United States District Judge