

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

RICK MADSEN,
Plaintiff,
vs.
SUE E. RISENHOOVER, et al.,
Defendants.

No. C 09-5457 SBA (PR)
**ORDER DENYING PLAINTIFF'S
MOTION FOR LEAVE TO AMEND
COMPLAINT**

September 30, 2014, the Court determined that it would be beneficial to have counsel assist Plaintiff in this action. Dkt. 218 at 1. Therefore, the Court referred this action to the Federal Pro Bono Project to secure pro bono counsel to represent Plaintiff. Id. The Court then temporarily stayed and administratively closed this action until the Federal Pro Bono Project has secured counsel for Plaintiff. Id.

Before the Court is Plaintiff's motion for leave to amend the complaint. Dkt. 219.

Federal Rule of Civil Procedure 15(a) provides that leave to amend "shall be freely given when justice so requires." In considering whether to grant or deny a motion seeking leave to amend a complaint, the court may consider whether there is bad faith, undue delay, prejudice to the opposing party, futility in the amendment, and whether plaintiff has previously amended his complaint. See Allen v. City of Beverly Hills, 911 F.2d 367, 373 (9th Cir. 1990).

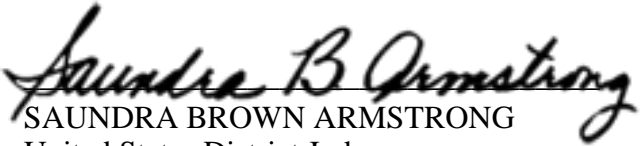
In his motion for leave to amend, Plaintiff claims that the "inadequate medical care treatment issue is ongoing and continuous" due to "discontinuations, delays and denials of treatment." Dkt. 219 at 1. Attached to the motion are his forty-paged amended complaint along with fifteen pages of exhibits. Dkts. 219-1, 219-2. Because this action has been stayed and administratively closed until counsel has been secured to represent Plaintiff, the Court DENIES his motion for leave to amend without prejudice to refile after counsel is appointed.

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

This Order terminates Docket No. 219.

IT IS SO ORDERED.

Dated: 11/20/2014


SAUNDRA BROWN ARMSTRONG
United States District Judge

P:\PRO-SE\SBA\CR.09\Madsen5457.DenyAmend.docx

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICK MADSEN,
Plaintiff,
v.
SUE E. RISENHOOVER, et al.,
Defendants.

Case No. 09-cv-05457-SBA

CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 11/20/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Rick Madsen ID: E10400
California State Prison - Sacramento
P.O. Box 290066
Represa, CA 95671

Dated: 11/20/2014

Richard W. Wieking
Clerk, United States District Court

By: 
Nikki D. Riley, Deputy Clerk to the
Honorable SAUNDRA BROWN ARMSTRONG