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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

MARIA QUINONES,

Plaintiff,

v.

U.S. PROTECT, a corporation, JOHN DOE
1, previously identified erroneously as
“Mulculsulban,” and DOES 2-20, inclusive

Defendants.

CASE NO. 07 CV 1565 JM (BLM)

**ORDER GRANTING PLAINTIFF’S
MOTION FOR LEAVE TO
AMEND COMPLAINT**

Doc. Nos. 35

On August 8, 2007, Plaintiff initiated this action under 28 U.S.C. § 1983 following an alleged assault she experienced by personnel at the San Ysidro border. Pending before the court is Plaintiff’s motion for leave to amend their complaint, so as “to simplify and clarify the issues before the Court” by dismissing four Bivens causes of action and clarifying the facts relevant to the remaining causes of action. (Mot. at 1.) Defendants verbally represented their non-opposition to the court. The court took the matter under submission pursuant to Civ.L.R. 7.1(d) on May 8, 2009.


The Federal Rules of Civil Procedure (“FRCP”) allow amendment of a pleading once as a matter of right “at any time before a responsive pleading is served Otherwise a party may amend the party’s pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.” FRCP R. 15(a).

Based on the circumstances advanced by Plaintiff, the court finds Defendants will suffer no prejudice from the filing of a second amended complaint at this time and that Plaintiff has

1 demonstrated good cause for such amendment. Accordingly, the court **GRANTS** Plaintiff's motion
2 for leave to file the proposed second amended complaint attached to their motion as Exhibit 1. (Doc.
3 No. 35.) The Clerk of Court is instructed to file the Second Amended Complaint. Further, the court
4 **DENIES** Plaintiff's prior motion for leave to amend as moot. (Doc. No. 29.)

5 **IT IS SO ORDERED.**

6 DATED: May 15, 2009

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8 Hon. Jeffrey T. Miller
United States District Judge

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