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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 EBRAHIM MUSSA MOHAMED,  
12 Petitioner,  
13 v.  
14 CYNTHIA TAMPKINS, Warden,  
15 Respondent.

Case No.: 15-CV-704-BEN-WVG

**ORDER GRANTING PETITIONER'S  
MOTION FOR LEAVE TO AMEND  
TRAVERSE**

[ECF No. 38]

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17 **I. INTRODUCTION**

18 On July 27, 2016, Respondent Cynthia Tampkins timely filed an Answer to  
19 Petitioner Ebrahim Mussa Mohamed's Petition for Writ of Habeas Corpus. (ECF No. 34.)  
20 Petitioner timely filed his Traverse on September 12, 2016. (ECF No. 36.) On September  
21 23, 2016, Petitioner filed the present Motion to Amend his Traverse. (ECF No. 38.)

22 In his Motion to Amend, Petitioner requests leave to file an amended traverse for the  
23 purposes of responding to Respondent's argument regarding a certificate of appeal. (*Id.* at  
24 1-2.) Petitioner claims he should be able to amend for good cause. (*Id.* at 3-4.) Petitioner  
25 did not explain in any detail what good cause he had for making the Motion to Amend.

26 **II. LEGAL STANDARD**

27 Under Federal Rule of Civil Procedure 15(a), a party may amend the party's pleading  
28 once as a matter of course at any time before a responsive pleading is served. Otherwise, a

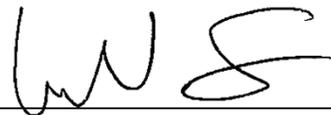
1 party may amend only by leave of the court or by written consent of the adverse party, and  
2 leave shall be freely given when justice so requires. Fed.R.Civ.P. 15(a). The Supreme Court  
3 has instructed lower courts to heed the language of Rule 15(a) to grant leave freely when  
4 justice requires. *Valley v. Automated Systems of America, Inc.*, 2012 WL 113753, at \*1  
5 (S.D.Cal. Jan. 13, 2012); citing *Howey v. United States*, 481 F.2d 1187, 1190 (9th Cir.  
6 1973). Because Rule 15(a) mandates that leave to amend should be freely given when  
7 justice so requires, the rule is to be interpreted with “extreme liberality.” *Id.*; citing *United*  
8 *States v. Webb*, 655 F.2d 977, 979 (9th Cir. 1981). Further, leave to amend should be  
9 granted more liberally to *pro se* litigants. *See Ramirez v. Galaza*, 334 F.3d 850, 861 (9th  
10 Cir. 2003); *see also Lopez*, 203 F.3d at 1131 (“We have noted frequently that the ‘rule  
11 favoring liberality in amendments to pleadings is particularly important for the pro se  
12 litigant. Presumably unskilled in the law, the *pro se* litigant is far more prone to making  
13 errors in pleading than the person who benefits from the representation of counsel.”)  
14 (internal citations omitted).

### 15 **III. RULING**

16 Petitioner, proceeding *pro se*, filed his Motion to Amend only eleven days after filing  
17 his Traverse. Further, Petitioner only seeks to address a small portion of his Traverse; the  
18 legal standard of a certificate of appeal. Although Petitioner provides no reason for not  
19 including the information in his Traverse, the Court GRANTS Petitioner’s Motion to  
20 Amend his Traverse. Petitioner shall file an Amended Traverse on or before **January 20,**  
21 **2017.**

22 **IT IS SO ORDERED.**

23 Dated: December 20, 2016



24  
25 Hon. William V. Gallo  
26 United States Magistrate Judge  
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