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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DAVID DEGEUS,

Plaintiff,

v.

DEPARTMENT OF CHILD
SUPPORT SERVICES and SAN
DIEGO DISTRICT
ATTORNEY,

Defendants.

Case No.: 24-cv-0055-WQH-AHG

ORDER

HAYES, Judge:

The matter before the Court is the Request for Extension to File Second Amended Complaint (ECF No. 10) filed by Plaintiff David DeGeus.

I. BACKGROUND

On April 22, 2024, Plaintiff filed the First Amended Complaint (“FAC”). (ECF No. 5.) On July 8, 2024, the Court sua sponte dismissed Plaintiff’s FAC for failure to state a claim upon which relief can be granted. (ECF No. 7.) Plaintiff was granted sixty (60) days to file a Second Amended Complaint. *Id.* at 11. On September 6, 2024, Plaintiff filed the Request for Extension to File Second Amended Complaint. (ECF No. 10.)

II. REQUEST FOR EXTENSION TO FILE SECOND AMENDED COMPLAINT

Pursuant to Federal Rule of Civil Procedure 15(a)(2), “[t]he court should freely give leave” for a party to amend his pleading “when justice so requires.” Fed. R. Civ. P. 15(a)(2).

1 Nevertheless, the Court also has “the inherent authority to manage [its] dockets ... with a
2 view toward the efficient and expedient resolution of cases.” *Dietz v. Bouldin*, 579 U.S. 40,
3 47 (2016); *see Gonzalez v. Planned Parenthood of L.A.*, 759 F.3d 1112, 1116 (9th Cir.
4 2014) (“[T]he district court’s discretion in denying amendment is ‘particularly broad’ when
5 it has previously given leave to amend.” (quoting *Miller v. Yokohama Tire Corp.*, 358 F.3d
6 616, 622 (9th Cir. 2004))).

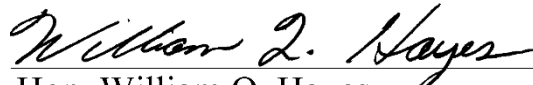
7 Plaintiff seeks a six-month extension “to cure the *Younger* abstention barrier by
8 bringing ‘the state proceedings Plaintiff discusses in the FAC’ to conclusion.” (ECF No.
9 10 at 1 (quoting ECF No. 7 at 6–7).) He also intends “to cure the defects referenced in [the
10 Court’s Order] with regard to [42 U.S.C. § 1983].” *Id.* (citing ECF No. 7 at 7–9).

11 The Court concludes that a limited extension is warranted to permit Plaintiff to cure
12 the defects he identifies in his request. However, Plaintiff fails to make a sufficient showing
13 that “justice so requires” an extension of six months, particularly given that the Court has
14 previously afforded Plaintiff opportunities to amend his Complaint. Fed. R. Civ. P.
15 15(a)(2); *see* ECF No. 4 at 10; ECF No. 7 at 11.

16 **III. CONCLUSION**

17 IT IS HEREBY ORDERED that Plaintiff’s Request for Extension to File Second
18 Amended Complaint (ECF No. 10) is granted in part. No later than sixty (60) days from
19 the entry of this Order, Plaintiff may file an amended complaint, entitled “Second Amended
20 Complaint,” which cures the defects in the FAC identified by the Court (*see* ECF No. 7).
21 If no amended complaint is filed, the Court will direct the Clerk of Court to close the case.

22 Dated: September 24, 2024


23 Hon. William Q. Hayes
24 United States District Court
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