

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

NOEL CARDOSO-GONZALEZ

* CIVIL ACTION NO. 16-16585

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* SECTION: "E"(1)

VERSUS

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* JUDGE SUSIE MORGAN

ANADARKO PETROLEUM CORP., ET
AL.

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* MAGISTRATE JUDGE

* JANIS VAN MEERVELD

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ORDER

Before the Court is the Motion for Leave to File Second Amended Complaint filed by plaintiff Noel Cardozo-Gonzalez. The defendants consent to the filing of the Second Amended Complaint. However, the deadline provided by the Scheduling Order for pleading amendments has passed. Where the court ordered deadline for amending pleadings has passed, that schedule "may be modified" to allow for additional amendments "only for good cause and with the judge's consent." Fed. R. Civ. Proc. 16(b)(2); see S&W Enterprises, L.L.C. v. SouthTrust Bank of Alabama, NA, 315 F.3d 533, 536 (5th Cir. 2003) ("We take this opportunity to make clear that Rule 16(b) governs amendment of pleadings after a scheduling order deadline has expired."). When determining whether the movant has shown good cause, the Court considers "(1) the explanation for the failure to [timely move for leave to amend]; (2) the importance of the [amendment]; (3) potential prejudice in allowing the [amendment]; and (4) the availability of a continuance to cure such prejudice." S&W Enterprises, 315 F.3d at 536 (quoting Reliance Ins. Co. v. Louisiana Land & Expl. Co., 110 F.3d 253, 257 (5th Cir. 1997)) (alterations in original).

Although Plaintiff asserts that he has good cause, he has failed to address the necessary standard in a memorandum in support of his motion. Accordingly,

IT IS ORDERED that Plaintiff file a Memorandum in Support of his Motion for Leave to File Second Amended Complaint on or before Thursday, November 9, 2017. The Motion will be taken under submission at that time and decided on the briefs.

New Orleans, Louisiana, this 6th day of November, 2017.



Janis van Meerveld
United States Magistrate Judge