

UNITED STATES DISTRICT COURT
FOR THE [DISTRICT]
[DIVISION]

[YOUR NAME],)
)
Plaintiff,)
)
v.) Civil Action
No. [_____])
)
OFFICER JANE MARTINEZ, et al.,)
)
Defendants.)

PLAINTIFF'S MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT

Plaintiff [Your Name], proceeding without a lawyer, moves under Federal Rule of Civil Procedure 15(a)(2) for leave to file the First Amended Complaint attached as Exhibit A. Plaintiff states:

I. WHAT THE AMENDMENT DOES

1. The proposed First Amended Complaint makes three changes. First, it adds factual allegations describing what each Defendant observed before the arrest, drawn from the body-camera recordings produced on [date]. Ex. A ¶¶ [__]-[__]. Second, it identifies Officer [Name], previously sued as "Officer John Doe," based on the incident report produced on [date]. Ex. A ¶ [__]. Third, it removes Count [__], which Plaintiff no longer pursues.

2. A redline comparing the proposed pleading to the original Complaint is attached as Exhibit B. [Omit if not required by local rule.]

II. WHY LEAVE SHOULD BE GRANTED

3. Rule 15(a)(2) provides that the Court "should freely give leave when justice so requires." Leave may be denied for undue delay, bad faith, repeated failure to cure deficiencies, undue prejudice, or futility. Foman

v. Davis,
371 U.S. 178, 182 (1962). None applies here.

4. No undue delay. Plaintiff received the body-camera recordings on [date] and the incident report on [date]. Plaintiff files this motion [number] days later. [If a scheduling-order deadline has passed: The deadline to amend pleadings was [date]. Plaintiff could not have amended before that date because the recordings and report were not produced until [date]. This diligence is good cause under Rule 16(b)(4).]

5. No bad faith. The amendment responds to the arguments in Defendants' Motion to Dismiss (Dkt. [__]) and to records Plaintiff did not have when the original Complaint was filed.

6. No repeated failure to cure. This is Plaintiff's first request to amend.

7. No prejudice. Discovery [has not begun / is in its early stages]. No trial date has been set. The amendment adds facts about the same incident and the same Defendants, plus one officer who was present at the scene and whose identity Defendants have known from the start.

8. Not futile. The proposed First Amended Complaint states each claim with defendant-specific facts. As to qualified immunity, it identifies the facts known to each officer at the moment of arrest (Ex. A ¶¶ [__]-[__]) and the controlling authority that placed the constitutional question beyond debate before [date of incident] (Ex. A ¶¶ [__]-[__]). Plaintiff addresses futility in more detail in [Plaintiff's Response to the Motion to Dismiss, Dkt. __ / the attached brief].

III. CONFERENCE

9. On [date], Plaintiff conferred with Defendants' counsel, [name], by [email or telephone]. Counsel stated that Defendants [consent / do not consent / take no position].

IV. RELIEF REQUESTED

Plaintiff asks the Court to grant leave to file the First Amended Complaint attached as Exhibit A and to direct the Clerk to file it as of the date of the Court's order. A proposed order is attached.

Dated: [date]

Respectfully submitted,

[Your Name]
Plaintiff, pro se
[Street address]
[City, State ZIP]
[Telephone]
[Email]

EXHIBITS

Exhibit A Proposed First Amended Complaint
Exhibit B Redline comparison to original Complaint [if required]

CERTIFICATE OF CONFERENCE

[As in paragraph 9.]

CERTIFICATE OF SERVICE

On [date], I served this motion, its exhibits, and the proposed order on all counsel of record by [method].

[Your Name]

ORDER

Before the Court is Plaintiff's Motion for Leave to File First Amended Complaint. The motion is GRANTED. The Clerk shall file the First Amended Complaint attached to the motion as Exhibit A. Defendants shall answer or otherwise respond within 14 days of the date of this order. Defendants' pending Motion to Dismiss (Dkt. [__]) is DENIED as moot.

SO ORDERED.

Dated: _____

UNITED STATES DISTRICT JUDGE