

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Raysene Hall v. Antonio Apodaca, et al.

Hall v. Apodaca, No. CV-25-00139-TUC-JCH (D. Ariz. Jan. 5, 2026) · No. CV-25-00139-TUC-JCH · Decided
January 5, 2026

OPINION

Hall

PER CURIAM.

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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Raysene Hall, No. CV-25-00139-TUC-JCH 10 Plaintiff, ORDER 11 v. 12 Antonio Apodaca, et
al., 13 Defendants. 14 15 Before the Court is pro se Plaintiff Raysene Hall’s Motion for Leave to
File a 16 Consolidated Amended Complaint (Doc. 68). The Court will deny Plaintiff’s Motion 17
because it fails to comply with Local Rule of Civil Procedure (“LRCiv.”) 15.1, Federal 18 Rule of
Civil Procedure (“Rule”) 16, and this Court’s November 6, 2025 Order (Doc. 60). 19 I. Plaintiff’s
motion to amend fails to comply with LRCiv. 15.1. 20 A plaintiff wishing to amend her complaint
must first comply with the filing 21 requirements in LRCiv. 15.1: 22 A party who moves for leave
to amend a pleading must attach a copy of the proposed amended pleading as an exhibit to the
motion, which must 23 indicate in what respect it differs from the pleading which it amends, by 24
bracketing or striking through the text to be deleted and underlining the text to be added. The
proposed amended pleading must not incorporate by 25 reference any part of the preceding
pleading, including exhibits. 26 (Emphasis added). Plaintiff’s motion fails to comply with the
bolded requirements. 27 (See Doc. 66.) 28 1 II. Plaintiff fails to comply with this Court’s Order
(Doc. 60) and to show “good cause” under Rule 16. 2 If the court-ordered deadline for amending
pleadings has passed, Rule 16 governs. 3 See Johnson v. Mammoth Recreations, Inc., 975 F.2d
604, 609 (9th Cir. 1992). Rule 16(b) 4 provides that a “scheduling order shall not be modified
except by leave of court and upon 5 a showing of good cause.” Fed. R. Civ. P. 16(b). For purposes
of Rule 16, “good cause” 6 means the scheduling deadlines cannot be met despite the party’s
diligence. Johnson, 975 7 F.2d at 609. 8 This Court’s Scheduling Ordering set August 25, 2025 as
the deadline to amend the 9 First Amended Complaint (“FAC”). (Doc. 26.) In its November 6,
2025 Order, this Court 10 granted Plaintiff 20 days leave to amend her FAC. (Doc. 60.) The Court
instructed Plaintiff 11 that “so long as her request to amend tracks the claims in her Motion for
Leave to File 12 Second Amended Complaint, the Court sees good reason to extend the deadline
to amend 13 pleadings and Plaintiff need not address Rule 16 in her motion.” (Id. at 12–13.) The
Court 14 also instructed Plaintiff that her motion should not “include a First Amendment
Retaliation 15 Claim, which was untimely under requested Rule 16.” (Id. at 13 n.4.) 16 Plaintiff

acknowledges that she failed to meet this Court's deadline to amend the 17 FAC, explaining that she did not receive the Court's Order until recently. (Doc. 67.) Even 18 setting aside that the motion is delayed, Plaintiff failed to comply with the Court's 19 instructions and fails to show "good cause" under Rule 16. First, Plaintiff includes a claim 20 for First Amendment Retaliation in her proposed amended complaint, in contravention of 21 the Court's Order. Second, Plaintiff's proposed amended complaint includes new claims 22 for substantive due process, equal protection, and "failure to intervene." Because 23 Plaintiff's proposed amendments do not track the claims in her Motion for Leave to File 24 Second Amended Complaint (Docs. 34, 35), Plaintiff needed to show good cause under

25 Rule 16. Plaintiff states that "subsequent disclosures, procedural developments, and 26 clarification of legal theories warrant" amendment. (Doc. 68.) But Plaintiff does not 27 explain how these disclosures and developments impacted her claims or why Plaintiff 28 could not meet scheduling deadlines despite Plaintiff's diligence. The Court does not || believe that any of her proposed amended claims are based on new information that || compelled her delayed filing and does not find "good cause" to amend its scheduling order 3|| or November 6, 2025 Order. The Court will deny Plaintiff's motion. All V. Any future attempts to amend must show "good cause" under Rule 16. 5 "Leave to amend can and should generally be given, even in the absence of such a 6 || request by the party," unless amendment would be futile. *Hoang v. Bank of Am., N.A.*, 910 7|| F.3d 1096, 1102 (9th Cir. 2018). Nonetheless, because the Court's deadlines to amend the 8 || FAC in its Scheduling Order (Doc. 26) and November 6, 2025 Order (Doc. 60) have passed, Plaintiff may only amend her FAC in the future if she first shows "good cause" || under Rule 16. 11 The Court cautions Plaintiff that her attempts to amend her FAC are not limitless. 12 || A "district court's discretion to deny leave to amend is particularly broad where plaintiff || has previously amended the complaint." *Sisseton-Wahpeton Sioux Tribe of Lake Traverse 14 Indian Rsrv., N. Dakota & S. Dakota v. United States*, 90 F.3d 351, 355 (9th Cir. 1996) (quoting *Allen v. City of Beverly Hills*, 911 F.2d 367, 373 (9th Cir.1990)). Plaintiff already 16 amended her complaint once (Doc. 19) and has sought to amend her complaint seven times. 17 (See Docs. 8, 13, 22, 34, 46, 49, 65). Even applying the more liberal standard for pro se 18 plaintiffs, denying leave to amend is appropriate when a plaintiff continually fails to 19 "correct the deficiencies" outlined by the district court. *Gimbel v. California*, 308 F. App'x 20 123, 124 (9th Cir. 2009). II. Order 59 IT IS ORDERED denying Plaintiff's Motion for Leave to File a Consolidated 53 Amended Complaint (Doc. 68). Dated this 5th day of January, 2026. 25 26 (MN Ae 27 / / John C. Hinderaker 28 United States District Judge -3-