

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Anthony Mark Herrera, Jr. v. Kathleen Allison, et al.

Herrera v. Allison · No. 1:25-cv-00055-SAB (PC) · Decided October 8, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Anthony Mark Herrera, Jr.’s motion for leave to amend his civil rights complaint under Federal Rule of Civil Procedure 15(a). The court directs him to file a complete first amended complaint within thirty days, limits it to twenty-five pages, and advises that failure to amend will result in screening of the original complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 8, 2025
DOCKET	1:25-cv-00055-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se in a civil rights action, moved for leave to amend the complaint before screening, service, or appearance by any defendant.
STANDARD OF REVIEW	Leave to amend under Federal Rule of Civil Procedure 15(a) is freely given when justice so requires, subject to considerations including prejudice, bad faith, undue delay, and futility.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- motion to amend
- civil rights
- section 1983
- prisoners rights
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether plaintiff should be granted leave to amend the complaint under Federal Rule of Civil Procedure 15(a).
2. What procedural requirements apply to plaintiff's first amended complaint.

HOLDINGS

1. Leave to amend should be granted because there was no evidence of prejudice, bad faith, undue delay, or futility, and no defendant had been served or appeared.
2. Plaintiff must file a complete first amended complaint rather than a separate document adding or excluding facts from the existing complaint, and the amended complaint may not add unrelated claims.
3. The first amended complaint must be brief, identify what each named defendant did that caused the alleged constitutional deprivation, and contain factual allegations sufficient to raise the right to relief above the speculative level.

KEY QUOTATIONS

“Rule 15(a) is very liberal and leave to amend shall be freely given when justice so requires.” (at 1)

“However, courts “need not grant leave to amend where the amendment: (1) prejudices the opposing party; (2) is sought in bad faith; (3) produces an undue delay in litigation; or (4) is futile.”” (at 1)

“Plaintiff’s first amended complaint should be brief, Fed. R. Civ. P. 8(a), but it must state what each named defendant did that led to the deprivation of Plaintiff’s constitutional rights,” (at 1)

“Additionally, Plaintiff may not change the nature of this suit by adding new, unrelated claims in his first amended complaint.” (at 1)

“Therefore, Plaintiff’s amended complaint must be “complete in itself without reference to the prior or superseded pleading.”” (at 1)

FACTUAL BACKGROUND

Plaintiff brought a pro se civil rights action against Kathleen Allison and other defendants. The action had not yet been screened, and no defendant had been served or appeared when plaintiff sought leave to amend. The court found no evidence of prejudice, bad faith, undue delay, or futility.

PROCEDURAL HISTORY

Plaintiff filed the civil rights action on December 26, 2024, and moved to amend the complaint on September 29, 2025. The court granted leave to amend because the complaint had not yet been screened and no defendant had been served or appeared. The court ordered plaintiff to file a complete first amended complaint within thirty days, subject to a twenty-five-page limit.

DISPOSITION

other

CASES CITED

- AmerisourceBergen Corp. v. Dialysist West, Inc., 465 F.3d 946, 951 (9th Cir. 2006)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Lacey v. Maricopa Cty., 693 F.3d 896, 927 (9th Cir. 2012)

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