

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Maxwell v. Pacione

Maxwell · No. 1:24-cv-00409-JLT-CDB · Decided June 17, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends denying Shawn Maxwell’s construed untimely motion for leave to file a first amended complaint. The proposed amendment reasserted claims previously dismissed with prejudice and failed to adequately plead municipal liability claims under Monell against the County Defendants. The Findings and Recommendations were issued with a 14-day period for filing objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 17, 2025
DOCKET	1:24-cv-00409-JLT-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on Plaintiff's response to an order to show cause, construed as an untimely motion for leave to file a first amended complaint.
STANDARD OF REVIEW	Leave to amend under Federal Rule of Civil Procedure 15 is reviewed for abuse of discretion; amendment is generally permitted freely, but futility may justify denial. The sufficiency of the proposed pleading is assessed under the Rule 8 and Rule 12(b)(6) pleading standards.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- motion to amend
- pleadings
- section 1983
- municipal liability
- appellate procedure

PRACTICE AREAS

- civil procedure
- civil rights
- constitutional law
- municipal liability
- appellate procedure

QUESTIONS PRESENTED

1. Whether Plaintiff's filings should be construed as an untimely motion for leave to amend.
2. Whether leave to file the proposed first amended complaint should be denied because Plaintiff unduly delayed and further amendment would be futile.
3. Whether the proposed amended complaint improperly reasserted claims previously dismissed with prejudice and failed to plead a cognizable Monell claim.

HOLDINGS

1. The court construed Plaintiff's response, request to accept the first amended complaint, and lodged proposed complaint as an untimely motion for leave to amend.
2. Leave to amend should be denied where the plaintiff unduly delayed and further amendment would be futile, including where the proposed complaint repeats claims previously dismissed with prejudice and does not cure identified pleading deficiencies.
3. The proposed amended complaint did not adequately plead a claim for municipal liability under 42 U.S.C. § 1983 because it alleged policies, practices, and training only conclusorily and supplied no supporting facts.

KEY QUOTATIONS

"Plaintiff is GRANTED leave to amend his complaint to the extent of pleading Monell claims and any cognizable state law causes of action against the County Defendants." (at 3)

"These deficiencies cannot be cured by amendment of Plaintiff's complaint." (at 13)

"Accordingly, the undersigned will recommend that Plaintiff's motion for leave to amend the complaint be denied." (at 27)

FACTUAL BACKGROUND

Shawn Maxwell, proceeding pro se, filed claims arising from child-support enforcement against Kern County, the Kern County Department of Child Support Services, and individual defendants associated with the Kern County Superior Court. The district court previously dismissed most claims with prejudice, allowing amendment only as to potentially cognizable Monell and related state-law claims against the County Defendants. Maxwell failed to amend within the court-ordered 21-day period and later lodged a proposed amended complaint that reasserted claims against the Kern County Superior Court and alleged Monell theories in conclusory terms without supporting facts concerning a policy, practice, or training.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights complaint in April 2024. The district court dismissed most claims with prejudice and dismissed without prejudice Plaintiff's Monell and related state-law claims against the County Defendants, granting 21 days to amend. Plaintiff did not timely amend, instead filing a notice of appeal that the Ninth Circuit dismissed for lack of jurisdiction. After the district court ordered Plaintiff to show cause, Plaintiff lodged a proposed first amended complaint and requested that it be accepted. The magistrate judge recommended denying

the request because the proposed pleading repeated claims previously dismissed with prejudice and still failed to adequately plead Monell claims.

DISPOSITION

other

CASES CITED

- AmerisourceBergen Corp. v. Dialysist West, Inc., 465 F.3d 946, 951 (9th Cir. 2006)
- Chodos v. W. Publ. Co., 292 F.3d 992, 1003 (9th Cir. 2002)
- Morongo Band of Mission Indians v. Rose, 893 F.2d 1074, 1079 (9th Cir. 1990)
- Swanson v. United States Forest Service, 87 F.3d 339, 343 (9th Cir. 1996)
- United States v. Webb, 655 F.2d 977, 979 (9th Cir. 1981)
- Chudacoff v. University Medical Center, 649 F.3d 1143, 1152 (9th Cir. 2011)
- Nunes v. Ashcroft, 375 F.3d 805, 808 (9th Cir. 2004)
- Bowles v. Reade, 198 F.3d 752, 758 (9th Cir. 1999)
- Bonin v. Calderon, 59 F.3d 815, 845 (9th Cir. 1995)
- Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1052 (9th Cir. 2003)
- Griggs v. Pace American Group, Inc., 170 F.3d 877, 880 (9th Cir. 1999)
- McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996)
- Kimes v. Stone, 84 F.3d 1121, 1129 (9th Cir. 1996)
- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- Franklin v. Murphy, 745 F.2d 1221, 1227-28 (9th Cir. 1984)
- Jackson v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010)
- United States v. Qazi, 975 F.3d 989, 992-93 (9th Cir. 2020)
- Byrd v. Maricopa County Sheriff's Department, 629 F.3d 1135, 1140 (9th Cir. 2011)
- Sprewell v. Golden State Warriors, 266 F.3d 979, 988 (9th Cir. 2001)
- Akhtar v. Mesa, 698 F.3d 1202, 1212 (9th Cir. 2012)
- Gonzalez v. Planned Parenthood of Los Angeles, 759 F.3d 1112, 1116 (9th Cir. 2014)
- Castro v. United States, 540 U.S. 375, 381-82 (2003)
- Monell v. Department of Social Services, 436 U.S. 658, 691 (1978)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)

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