

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Lakeith L. McCoy v. Darrin King, et al.

McCoy · No. 1:25-cv-00238-KES-CDB · Decided December 31, 2025

SUMMARY

The United States District Court for the Eastern District of California grants LaKeith L. McCoy’s motion to amend his 42 U.S.C. § 1983 civil rights complaint. The court directs the Clerk to docket the lodged first amended complaint as the operative complaint and directs defendants to respond within 14 days. The court terminates the defendants’ motion to dismiss and request for judicial notice as moot and denies their motion to stay as moot.

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	December 31, 2025
DOCKET	1:25-cv-00238-KES-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to amend his civil-rights complaint while defendants' motion to dismiss, request for judicial notice, and motion to stay were pending.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order

TOPICS

- motion to amend
- motions to dismiss
- civil procedure
- section 1983
- police misconduct

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

- Whether plaintiff could amend his complaint as a matter of course under Federal Rule of Civil Procedure 15(a)(1)(B).
- Whether the proposed first amended complaint should be docketed as the operative complaint.

3. Whether defendants' motion to dismiss, request for judicial notice, and motion to stay became moot upon the filing of the amended complaint.

HOLDINGS

1. A party may amend its pleading without leave of court once as a matter of course within 21 days after service of a motion under Rule 12(b), (e), or (f); plaintiff timely lodged his proposed amended complaint and was entitled to amend.
2. The proposed first amended complaint became the operative complaint, and defendants' motion to dismiss directed at the prior complaint was moot.
3. Defendants' motion to stay was denied as moot because the motion to dismiss on which the requested stay was based was terminated as moot.

KEY QUOTATIONS

“A party may amend its pleading once as a matter of course no later than ... 21 days after service of a motion under Rule 12(b), (e), or (f)” (at 1)

FACTUAL BACKGROUND

LaKeith L. McCoy, proceeding pro se and in forma pauperis, brought a § 1983 malicious-prosecution action against correctional officers. He sought to add K. Westergren, whom he alleged had been unknown when the original complaint was filed and had previously been identified as a Doe defendant. He lodged the proposed amended complaint within 21 days after defendants served their Rule 12 motion.

PROCEDURAL HISTORY

Following screening, the action proceeded on plaintiff's malicious-prosecution claim under 42 U.S.C. § 1983 against correctional-officer defendants. Defendants moved to dismiss and to stay the action. Plaintiff then filed a proposed first amended complaint adding K. Westergren, and the court granted the amendment, directed the clerk to docket the proposed complaint as the operative complaint, terminated the motion to dismiss and request for judicial notice as moot, and denied the motion to stay as moot.

DISPOSITION

other

CASES CITED

- Ramirez v. County of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 LAKEITH L. MCCOY, Case No. 1:25-cv-00238-KES-CDB 12 Plaintiff,
ORDER GRANTING PLAINTIFF’S MOTION TO AMEND 13 v. 14 (Doc. 28) DARRIN KING,

et al., 15 ORDER DIRECTING CLERK OF THE COURT Defendants. TO FILE PLAINTIFF'S
LODGED FIRST 16 AMENDED COMPLAINT ON THE DOCKET 17 (Doc. 28 at 5-21) 18
ORDER DIRECTING CLERK OF THE COURT 19 TO TERMINATE DEFENDANTS'
MOTION TO DISMISS AND REQUEST FOR JUDICIAL 20 NOTICE IN SUPPORT THEREOF
AS MOOT 21 (Docs.

23, 24) 22 ORDER DENYING AS MOOT DEFENDANTS' 23 MOTION TO STAY 24 (Doc. 25)
25 26 Relevant Background 27 Plaintiff LaKeith L. McCoy ("Plaintiff") is proceeding pro se and
in forma pauperis in this civil rights action under 42 U.S.C. § 1983. Following screening, this
action proceeds on Plaintiff's 1 malicious prosecution claim pursuant to 42 U.S.C. § 1983 against
correctional officer Defendants 2 Darrin King, Amiel Holguin, Sesar J. Casillas, Andre Martinez,
Celestino Martinez, Jose A. 3 Gonzales, and Abel Garcia (collectively, "Defendants").

(Docs. 1, 9, 12). 4 On December 9, 2025, Defendants filed a motion to dismiss the complaint, a
request for 5 judicial notice in support thereof, and a motion to stay pending the Court's resolution
of their 6 motion to dismiss. (Docs. 23-25).

On December 10, 2025, the presiding district judge referred the 7 pending motion to dismiss to the
undersigned for the preparation of findings and recommendations 8 and/or other appropriate action
and vacated the hearing set for January 22, 2026. (Doc. 27). 9 Plaintiff did not timely oppose
either motion. 10 Plaintiff's Motion to Amend 11 On December 22, 2025, Plaintiff filed the
pending motion to amend.

(Doc. 28). Plaintiff 12 moves the Court for leave to file his proposed first amended complaint
attached to his motion as 13 "Exhibit A." Id. at 1; see id. at 5-21 ("Ex. A" or "proposed FAC").
Plaintiff contends that his 14 proposed FAC adds an additional Defendant, K. Westergren, who at
the time of the filing of his 15 original complaint was unknown to Plaintiff but was otherwise
named as "DOE Defendants." Id. 16 ¶ 6.

17 Plaintiff is entitled to amend his pleading without leave of Court under Federal Rule of Civil 18
Procedure 15(a)(1)(B). See Fed. R. Civ. P. 15(a)(1)(B) ("A party may amend its pleading once as
19 a matter of course no later than ... 21 days after service of a motion under Rule 12(b), (e), or
(f)"). 20 Because Plaintiff timely lodged his proposed FAC within the time permitted under Rule
21 15(a)(1)(B), he may amend his pleading without leave of court.

Nevertheless, the Court has 22 reviewed the proposed FAC and finds that it appears consistent
with the Court's findings and 23 recommendations which were adopted (see Docs. 11, 12) with the
addition of named Defendant K. 24 Westergren.

Therefore, the Court will grant Plaintiff's motion to amend. 25 In light of Plaintiff's pro se status,
the Court will direct the Clerk of the Court to file 26 Plaintiff's proposed FAC as a standalone
filing on the docket as the operative FAC. Further, given 27 Plaintiff's amendment, the Court will

direct the Clerk of the Court to terminate Defendants' 1 | See Ramirez v. Cnty. of San Bernadino, 806 F.3d 1002, 1008 (9th Cir.

2015) ("the Plaintiff's Second 2 | Amended Complaint superseded the First Amended Complaint, and the First Amended Complaint 3 || ceased to exist. Because the Defendants' motion to dismiss targeted the Plaintiffs First Amended 4 | Complaint, which was no longer in effect, we conclude that the motion to dismiss should have been 5 || deemed moot before the district court granted it.").

In light of the termination of the motion to 6 | dismiss, the Court will deny as moot Defendants' motion to stay (Doc. 25). Defendants will be 7 | directed to file a responsive pleading within 14 days of the Clerk of the Court's docketing of the 8 | FAC. See Fed. R. Civ. P. 15(a)(3). 9 Conclusion and Order 10 Accordingly, IT IS HEREBY ORDERED that: 11 1. Plaintiff's motion to amend (Doc.

28) is GRANTED; 12 2. The Clerk of the Court is DIRECTED to file as a stand-alone docket entry the lodged 13 first amended complaint ("FAC") attached as "Exhibit A" to Plaintiff's motion to amend 14 (Doc. 28 at 5-21) as the operative complaint; 15 3. Defendants SHALL FILE their responsive pleading within 14 days of the Clerk of the 16 Court's docketing of the FAC; 17 4.

The Clerk of the Court is DIRECTED to terminate Defendants' motion to dismiss and 18 request for judicial notice in support thereof (Docs. 23, 24) as MOOT; and 19 5. Defendants' motion to stay (Doc. 25) is DENIED AS MOOT. 20 | IT IS SO ORDERED. 71 Dated: _ December 31, 2025 | Ww R~ 22 UNITED STATES MAGISTRATE JUDGE 23 24 25 26 27 28