

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PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order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)