

**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

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