

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

John Valdivia v. Miriam Vasquez, et al.

Valdivia v. Vasquez · No. 1:24-cv-00597-SKO · Decided November 10, 2025

SUMMARY

The United States District Court for the Eastern District of California construed Plaintiff John Valdivia’s lodged first amended complaint as a motion for leave to amend and granted that motion. The court directed the Clerk to file the amended complaint, terminated Defendant Miriam Vasquez’s original motion to dismiss as moot, and directed the plaintiff to file an opposition or statement of non-opposition to the later motion to dismiss within 30 days. The order warned that failure to respond would result in the later motion being deemed unopposed.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 10, 2025
DOCKET	1:24-cv-00597-SKO
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff submitted a proposed first amended complaint without a motion for leave to amend. Defendant had filed an original motion to dismiss and later filed a second motion to dismiss directed to the proposed amended complaint. The court construed the lodged amended complaint as a motion for leave to amend, granted leave, directed the Clerk to file the amended complaint, terminated the original motion to dismiss as moot, and ordered plaintiff to respond to the second motion to dismiss.
PRECEDENTIAL VALUE	Unknown; district court procedural order with no reporter or neutral citation

TOPICS

- motion to amend
- motions to dismiss
- pleadings
- civil rights
- civil procedure

PRACTICE AREAS

Civil procedure

Civil rights

QUESTIONS PRESENTED

1. Whether the court could construe plaintiff's lodged first amended complaint as a motion for leave to amend despite the absence of a formal motion.
2. Whether leave to amend should be granted and the lodged amended complaint filed.
3. Whether defendant's original motion to dismiss should be terminated as moot after defendant filed a second motion addressing the amended complaint.
4. What briefing plaintiff must file in response to defendant's second motion to dismiss.

HOLDINGS

1. Because defendant had already appeared, plaintiff was required to obtain written consent or court leave to amend. The court nevertheless construed plaintiff's lodged first amended complaint as including a motion for leave to amend.
2. The motion for leave to amend was granted, and the Clerk was directed to file the lodged first amended complaint.
3. The original motion to dismiss filed August 15, 2025, was terminated as moot because defendant filed a second motion addressing the amended complaint.
4. Plaintiff was ordered to file only an opposition or statement of non-opposition to defendant's November 5, 2025, motion to dismiss and was not permitted to file another amended complaint in response.

KEY QUOTATIONS

"The Court will nonetheless construe Plaintiff's lodged first amended complaint to include a motion for leave to amend, and, to that extent, will grant the motion and direct the Clerk to file the lodged complaint." (at 2)

"Accordingly, the Court will terminate the original motion to dismiss, filed August 15, 2025, as moot." (at 2)

FACTUAL BACKGROUND

John Valdivia, proceeding pro se and in forma pauperis as a civil detainee, brought constitutional claims against Miriam Vasquez. After Vasquez appeared and filed a motion to dismiss, Valdivia submitted a first amended complaint without a motion seeking leave to amend. Vasquez subsequently filed a second motion to dismiss addressing the proposed amended complaint.

PROCEDURAL HISTORY

Defendant filed an original motion to dismiss on August 15, 2025. After plaintiff failed to timely respond, the court issued an order to show cause, and plaintiff later lodged a first amended complaint on October 20, 2025. Defendant filed a second motion to dismiss addressing the amended complaint on November 5, 2025. The court granted leave to amend, ordered the lodged complaint filed, terminated the original motion to dismiss as moot, and set briefing requirements for the second motion.

DISPOSITION

other

CASES CITED

- Williams v. Jalijali, No. 2:22-cv-00605-JDP (PC), 2023 WL 4743019, at *1, *3 (E.D. Cal. July 25, 2023)
- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)

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