

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Michael Thomas v. J. Castro, et al.

Thomas v. Castro · No. No. 1:24-cv-00507-KES-SAB (PC) · Decided November 19, 2025

OPINION

Castro

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 MICHAEL THOMAS, No. 1:24-cv-00507-KES-SAB (PC)

12 Plaintiff, ORDER DISCHARGING ORDER TO SHOW

CAUSE AND GRANTING PLAINTIFF'S

13 v. MOTION TO AMEND THE COMPLAINT

14 J. CASTRO, et al., (ECF Nos. 8, 10) 15 Defendants. 16 17 Plaintiff is proceeding pro se and in
forma pauperis in this civil rights action filed pursuant 18 to 42 U.S.C. § 1983. 19 I.

20 BACKGROUND

21 Plaintiff filed the instant action on April 29, 2024. (ECF No. 1.) 22 On January 22, 2025,
Plaintiff filed a motion for leave to file an amended complaint, 23 along with a copy of the
proposed first amended complaint. (ECF Nos. 8, 9.) 24 On August 14, 2025, the Court ordered
Plaintiff to show cause why the action should not 25 be dismissed as barred by the statute of
limitations. (ECF No. 10.) On August 25, 2025, Plaintiff 26 filed a response to the order to show
cause. (ECF No. 11.) 27 The case was transferred to the undersigned on October 3, 2025. (ECF
No. 12.) 28 1 II.

2 DISCUSSION

3 A. Order to Show Cause as to Statute of Limitations 4 As stated above, Plaintiff was ordered to
show cause why the action should not be 5 dismissed as barred by the statute of limitations and
the motion to amend the complaint be denied 6 as moot. (ECF No. 10.) 7 In his response, Plaintiff
argues that he is within the statute of limitations for filing this 8 case based on the applicable
tolling. (ECF No. 11.) 9 Based on a review of Plaintiff's response to the order to show cause and
the allegations 10 therein, the Court finds that it is not absolutely clear whether Plaintiff's claims
are barred by the 11 applicable statute of limitations. Accordingly, the Court will discharge the
order to show cause. 12 However, this order does not preclude the filing of a later motion for
summary judgment on the 13 ground that Plaintiff's claims are barred by the statute of limitations.

14 B. Motion to Amend 15 As previously stated, on January 22, 2025, Plaintiff filed a motion requesting leave to 16 amend his complaint. (ECF No. 8.) Plaintiff seeks to bring claims under the Americans with 17 Disabilities Act and Rehabilitation Act against Defendants. (Id. at 1.) Plaintiff submits that the 18 actual factual allegations in the proposed first amended complaint are unchanged from the 19 original complaint. (Id.) 20 Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend the party's 21 pleading once as a matter of course at any time before a responsive pleading is served. Otherwise, 22 a party may amend only by leave of the court or by written consent of the adverse party, and 23 leave shall be freely given when justice so requires. Fed. R. Civ. P. 15(a). "Rule 15(a) is very 24 liberal and leave to amend shall be freely given when justice so requires." *AmerisourceBergen 25 Corp. v. Dialysist West, Inc.*, 465 F.3d 946, 951 (9th Cir. 2006) (citation and quotation omitted). 26 However, courts "need not grant leave to amend where the amendment: (1) prejudices the 27 opposing party; (2) is sought in bad faith; (3) produces an undue delay in litigation; or (4) is 28 futile." Id. 1 In considering the relevant factors, the Court finds no evidence of prejudice, bad faith, 2 | undue delay in litigation, or futility. No Defendants have been served or have appeared in this 3 action, and Plaintiff sought leave to amend prior to the screening of the initial complaint. 4 | Accordingly, Plaintiff's motion to amend shall be granted. The Court will screen Plaintiff's first 5 || amended complaint in due course. 6 Il.

7 ORDER

8 Based on the foregoing, it is HEREBY ORDERED that: 9 1. The order to show cause issued on August 14, 2025, (ECF No. 10), is 10 DISCHARGED; 11 2. Plaintiff's motion for leave to amend the complaint filed on January 22, 2025, 12 (ECF No. 8), is GRANTED; and 13 3. The Court will screen Plaintiff's first amended complaint in due course. 14

15 IT IS SO ORDERED. FA. Se

16 | Dated: _ November 19, 2025

STANLEY A. BOONE

17 United States Magistrate Judge 18 19 20 21 22 23 24 25 26 27 28