

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Smallwood v. Department of Veterans Affairs

No. 1:24-cv-00141-JLT-CDB (E.D. Cal. Aug. 13, 2025) · No. 1:24-cv-00141-JLT-CDB · Decided August 13, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Shawn Smallwood’s unopposed motion for leave to file a first amended complaint under Federal Rule of Civil Procedure 15(a)(2). The proposed amendment concerns challenges under NEPA, the Administrative Procedure Act, and the Endangered Species Act to 2025 agency decisions involving a VA outpatient clinic project. The court finds that the relevant factors, including lack of bad faith, undue delay, prejudice, prior amendments, and futility, favor amendment.

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	August 13, 2025
DOCKET	1:24-cv-00141-JLT-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 15(a)(2) for leave to file a first amended complaint. The motion was unopposed.
STANDARD OF REVIEW	Leave to amend under Rule 15(a)(2) is committed to the court's discretion. Courts ordinarily consider bad faith, undue delay, prejudice, futility, and prior amendments, granting inferences in favor of amendment and placing the burden of showing that amendment is unwarranted on the opposing party.
PRECEDENTIAL VALUE	unpublished district court order; persuasive value only
PARTIES	Shawn Smallwood v. Department of Veterans Affairs, SASD Development Group, LLC, VA employees in their official capacities

TOPICS

- motion to amend
- pleadings
- civil procedure
- administrative procedure act
- environmental impact review

PRACTICE AREAS

civil procedure

administrative law

environmental law

QUESTIONS PRESENTED

1. Whether leave should be granted under Federal Rule of Civil Procedure 15(a)(2) to file the proposed first amended complaint.
2. Whether the proposed amendment was barred by bad faith, undue delay, prejudice, prior amendment, or futility.

HOLDINGS

1. Leave to amend should be freely granted because all relevant Rule 15 factors weighed in favor of amendment and the motion was unopposed.
2. The proposed amendment was not shown to be futile at the leave-to-amend stage.

KEY QUOTATIONS

“Rule 15(a) is very liberal”

“Because the Nunes factors all weigh in favor of amendment, the Court will grant Plaintiff’s unopposed motion to amend the complaint.”

FACTUAL BACKGROUND

Smallwood's original complaint challenged the VA's environmental review of a planned community-based outpatient clinic in Bakersfield, California. After the original complaint was filed, the VA issued a finding of no significant impact in April 2025 and the Fish and Wildlife Service issued a biological opinion in March 2025. Smallwood proposed amending the complaint to challenge those later agency actions, add current and Fish and Wildlife Service officials in their official capacities, and remove or consolidate claims. The defendants did not oppose amendment.

PROCEDURAL HISTORY

Smallwood initiated the action on January 31, 2024, challenging aspects of the Department of Veterans Affairs' environmental review of a community-based outpatient clinic project. In August 2025, he sought to amend the complaint to remove two existing claims, consolidate claims concerning the VA's NEPA review, add claims challenging a Fish and Wildlife Service biological opinion under the Endangered Species Act and Administrative Procedure Act, and substitute or add federal officials in their official capacities. The court granted the unopposed motion and ordered filing of the amended complaint, service on newly added defendants, and responsive pleadings under Rule 15(a)(3).

DISPOSITION

other

CASES CITED

- AmerisourceBergen Corp. v. Dialysist West, Inc., 465 F.3d 946, 951 (9th Cir. 2006)
- Chodos v. West Publishing Co., 292 F.3d 992, 1003 (9th Cir. 2002)
- Morongo Band of Mission Indians v. Rose, 893 F.2d 1074, 1079 (9th Cir. 1990)
- Swanson v. United States Forest Service, 87 F.3d 339, 343 (9th Cir. 1996)
- United States v. Webb, 655 F.2d 977, 979-80 (9th Cir. 1981)
- Chudacoff v. University Medical Center, 649 F.3d 1143, 1152 (9th Cir. 2011)
- Nunes v. Ashcroft, 375 F.3d 805, 808 (9th Cir. 2004)
- Bonin v. Calderon, 59 F.3d 815, 845 (9th Cir. 1995)
- Atkins v. Astrue, No. C 10-0180 PJH, 2011 WL 1335607, at *3 (N.D. Cal. Apr. 7, 2011)
- Bowles v. Reade, 198 F.3d 752, 758 (9th Cir. 1999)
- Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1052 (9th Cir. 2003)
- Griggs v. Pace American Group, Inc., 170 F.3d 877, 880 (9th Cir. 1999)
- DCD Programs, Ltd. v. Leighton, 833 F.2d 183, 186-87 (9th Cir. 1987)
- Wizards of the Coast LLC v. Cryptozoic Entertainment LLC, 309 F.R.D. 645, 651 (W.D. Wash. 2015)
- Leon v. IDX Systems Corp., 464 F.3d 951, 961 (9th Cir. 2006)
- Howey v. United States, 481 F.2d 1187, 1190-91, 1191 (9th Cir. 1973)
- Lockheed Martin Corp. v. Network Solutions, Inc., 194 F.3d 980, 986 (9th Cir. 1999)
- Jackson v. Bank of Hawaii, Jackson v. Bank of Hawaii, 902 F.2d 1385, 1388 (9th Cir. 1990)
- Texaco, Inc. v. Ponsoldt, 939 F.2d 794, 798-99 (9th Cir. 1991)
- Allen v. Beverly Hills, 911 F.2d 367, 373 (9th Cir. 1990)
- Carrico v. City and County of San Francisco, 656 F.3d 1002, 1008 (9th Cir. 2011)
- United States v. Corinthian Colleges, 655 F.3d 984, 995 (9th Cir. 2011)
- Zurich American Insurance Co. of Illinois v. VForce Inc., No. 2:18-cv-02066-TLN-CKD, 2020 WL 2732046, at *3 (E.D. Cal. May 26, 2020)
- Netbula, LLC v. Distinct Corp., 212 F.R.D. 534, 539 (N.D. Cal. 2003)