

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Major v. Sire

Major · No. 1:23-cv-01683-KES-BAM · Decided August 6, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Eric Von Major’s motion for leave to file a first amended complaint in his civil rights action against Thomas Sire. The court concludes that amendment is warranted under Federal Rule of Civil Procedure 15 because there is no undue delay, bad faith, significant prejudice, or apparent futility.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 6, 2025
DOCKET	1:23-cv-01683-KES-BAM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to file a first amended complaint in a federal civil-rights action. The motion was granted.
STANDARD OF REVIEW	Leave to amend is governed by Federal Rule of Civil Procedure 15(a) (2), which requires that leave be freely given when justice so requires. The court considers bad faith, undue delay, prejudice, futility, and whether the plaintiff previously amended the complaint, with prejudice being the most important factor.
PRECEDENTIAL VALUE	unpublished district court order; limited persuasive value
PARTIES	Eric Von Major v. Thomas Sire

TOPICS

- motion to amend
- pleadings
- civil procedure
- section 1983
- police misconduct

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights

QUESTIONS PRESENTED

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

HOLDINGS

1. Leave to amend should be freely granted when justice so requires, and the court granted Major leave to file his first amended complaint because the motion was timely, the case remained in its early stages, defendant did not oppose the motion, and no substantial showing of bad faith, undue delay, prejudice, futility, or prior amendment existed.
2. The court declined to deny leave on futility grounds because defendant did not raise futility and challenges to the adequacy of proposed new claims are ordinarily better addressed on a subsequent motion to dismiss.

KEY QUOTATIONS

“[i]n the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc. —the leave sought should, as the rules require, be “freely given.”” (at 3)

“Consequently, the “policy of favoring amendments to pleadings should be applied with ‘extreme liberality.’”” (at 3)

FACTUAL BACKGROUND

Major alleges that on December 4, 2021, correctional officer Thomas Sire took him to a location at the Fresno County Jail that was not covered by cameras, conducted a purported pat-down, slammed him face-first to the ground, and struck and kicked him while he was defenseless. An internal investigation found Sire responsible for assaulting Major, and Sire was later criminally charged; the charge was reduced and ultimately dismissed after completion of a diversionary program. The proposed amended complaint sought to add Fresno County, conspiracy allegations, declaratory-relief claims, and allegations concerning the County's refusal to defend or indemnify Sire.

PROCEDURAL HISTORY

Major filed the civil-rights action against Sire on December 1, 2023, alleging excessive force and related constitutional violations. Major timely moved for leave to amend before the scheduling-order deadline. Sire failed to file a timely opposition, and the court considered the motion on the existing record and granted leave to amend.

DISPOSITION

other

CASES CITED

- *Bencomo v. County of Sacramento*, No. 2:23-cv-00440-DAD-JDP, 2024 WL 382381, at *1 (E.D. Cal. Jan. 31, 2024)
- *Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1294 (9th Cir. 2000)
- *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604 (9th Cir. 1992)
- *Foman v. Davis*, 371 U.S. 178, 182 (1962)
- *Chudacoff v. Univ. Med. Center of S. Nev.*, 649 F.3d 1143, 1152 (9th Cir. 2011)
- *United States v. Webb*, 655 F.2d 977, 979 (9th Cir. 1981)
- *Johnson v. Buckley*, 356 F.3d 1067, 1077 (9th Cir. 2004)
- *Bonin v. Calderon*, 59 F.3d 815, 845 (9th Cir. 1995)
- *Western Shoshone Nat'l Council v. Molini*, 951 F.2d 200, 204 (9th Cir. 1991)
- *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003)
- *Jackson v. Bank of Hawaii*, *Jackson v. Bank of Hawaii*, 902 F.2d 1385, 1387 (9th Cir. 1990)
- *Netbula, LLC v. Distinct Corp.*, 212 F.R.D. 534, 539 (N.D. Cal. 2003)
- *Ross v. Wilmington Savs. Fund Soc'y, FSB*, No. 2:22-cv-07922-MCS-RAO, 2023 WL 3431911, at *2 (C.D. Cal. Mar. 7, 2023)