

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Mike Morgan v. A. Espinoza, et al.

Morgan v. Espinoza · No. 2:23-CV-1955-DAD-DMC-P · Decided September 22, 2025

SUMMARY

The United States District Court for the Eastern District of California struck Plaintiff Mike Morgan’s second amended complaint because it was filed without leave of court or a stipulation of all parties. The action proceeds on the first amended complaint against Defendants Davies and Espinoza.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 22, 2025
DOCKET	2:23-CV-1955-DAD-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983; the court considered whether to strike Plaintiff's second amended complaint filed without leave of court or a stipulation.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Mike Morgan v. A. Espinoza, Davies, Hall

TOPICS

- motion to amend
- pleadings
- civil procedure
- civil rights
- prisoners rights

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

- Whether Plaintiff could file a second amended complaint without leave of court or a stipulation under Federal Rule of Civil Procedure 15.

2. Whether the improperly filed second amended complaint should be stricken and the action allowed to proceed on the first amended complaint.

HOLDINGS

1. Plaintiff could not amend the pleading as of right because the second amended complaint was filed more than 21 days after service of a responsive pleading and was not filed pursuant to a stipulation; leave of court was therefore required.
2. The second amended complaint was stricken because it was filed without the required leave of court or stipulation.

KEY QUOTATIONS

“If an amended pleading cannot be made as of right and is filed without leave of court or consent of the opposing party, the amended pleading is a nullity and without legal effect.” (at 2)

FACTUAL BACKGROUND

Plaintiff, a prisoner proceeding pro se, brought a civil-rights action under 42 U.S.C. § 1983. After Defendant Davies filed an answer to the first amended complaint on October 15, 2024, Plaintiff filed a second amended complaint on July 30, 2025, without obtaining leave of court or a stipulation signed by all parties.

PROCEDURAL HISTORY

The court ordered service of Plaintiff's first amended complaint on Defendants Davies, Hall, and Espinoza. Davies answered, while Espinoza and Hall moved to dismiss; the District Judge adopted recommendations partially granting the motion, dismissing Hall, and directing Espinoza to answer. Plaintiff then filed a second amended complaint without leave of court or a stipulation, and the court struck it, allowing the action to proceed on the first amended complaint against Davies and Espinoza.

DISPOSITION

other

CASES CITED

- Hardin v. Wal-Mart Stores, Inc., 813 F. Supp. 2d 1167, 1181 (E.D. Cal. 2011)
- Sexton v. Spirit Airlines, Inc., Case No. 2:21-cv-00898-TLN-AC, 2022 WL 976914 (E.D. Cal. Mar. 31, 2022)
- Guthrie v. Hurwitz, Case No. 1:18-cv-00282-AWI-BAM, 2018 WL 4005261, at *1 (E.D. Cal. Aug. 20, 2018)

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