

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Michael Ward v. City of Redding, et al.

Ward v. City of Redding · No. 2:24-cv-0978 TLN AC · Decided October 8, 2025

SUMMARY

The United States District Court for the Eastern District of California addresses several post-scheduling-conference filings in Michael Ward’s civil rights action against the City of Redding and other defendants. The court construes two filings as requests for district-judge reconsideration, denies an objection and request concerning discovery deadlines, and vacates without prejudice a request to restore a dismissed Monell claim. The court directs plaintiff to seek leave to amend under Federal Rule of Civil Procedure 15(a)(2) and sets a status conference for October 29, 2025.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 8, 2025
DOCKET	2:24-cv-0978 TLN AC
DISPOSITION	other
PROCEDURAL POSTURE	After a pretrial scheduling conference, the pro se plaintiff filed requests for reconsideration of a magistrate judge's discovery ruling, an objection to the scheduling order and request for an extension of time, and a motion to reinstate a previously dismissed Monell claim. The magistrate judge construed the reconsideration filings for review by the district judge, denied the scheduling-related motion, and vacated the motion to reinstate without prejudice to filing a procedurally proper motion for leave to amend.
STANDARD OF REVIEW	Requests for review of a magistrate judge's nondispositive ruling are governed by 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72(a), and Local Rule 303(c). Requests to amend are governed by Federal Rule of Civil Procedure 15(a)(2), under which leave should be freely given when justice so requires, subject to considerations such as futility and prejudice.

TOPICS

motion for reconsideration

motion to amend

discovery dispute

section 1983

municipal liability

PRACTICE AREAS

Civil procedure

Civil rights

Municipal liability

Discovery

QUESTIONS PRESENTED

1. Whether filings that did not use the caption required by Local Rule 303(c) could nonetheless be construed as requests for district-judge reconsideration of the magistrate judge's discovery ruling.
2. Whether plaintiff established a basis to modify the scheduling order or extend the initial-disclosure deadline.
3. Whether plaintiff's motion to reinstate a dismissed Monell claim should be treated as a motion to amend and, if so, whether the requested amendment could be evaluated on the motion as filed.

HOLDINGS

1. Filings that clearly seek review of a magistrate judge's ruling may be construed as requests for reconsideration under Local Rule 303(c), even when they do not use the rule's required caption.
2. Plaintiff was not entitled on the filing presented to modify the scheduling order or reset the initial-disclosure deadline because the record showed no limitation on discovery and no identified basis for extending the deadline.
3. A request to plead new factual allegations supporting a dismissed Monell claim must be treated as a request for leave to amend under Federal Rule of Civil Procedure 15(a)(2), rather than as a motion simply to reinstate the claim.

KEY QUOTATIONS

“Initial disclosures are made based on the information reasonably available to the parties at the time, Fed. R. Civ. P. 26((a)(1)(E), and are subject to later supplementation.” (at 2)

“Accordingly, it appears that plaintiff wishes to amend the complaint.” (at 3)

“Such a motion shall be filed and briefed pursuant to Local Rule 230, and it must be accompanied by a proposed Second Amended Complaint” (at 4)

FACTUAL BACKGROUND

Plaintiff sought review of the magistrate judge's denial without prejudice of a motion to compel responses to a subpoena concerning documents from the City of Redding Police Department. He also objected to the scheduling order, asserting that discovery deadlines were unrealistic and improperly limited discovery. Finally,

after his Monell claims against the police department had been dismissed without leave to amend, he sought to restore those claims based on additional facts purportedly learned through discovery.

PROCEDURAL HISTORY

The district judge previously dismissed plaintiff's claims against the Redding Police Department under 42 U.S.C. § 1983 for failure to state a Monell claim and dismissed those claims without leave to amend. Following the scheduling conference, plaintiff sought reconsideration of a discovery ruling, modification of discovery deadlines, and restoration of the dismissed Monell claim based on purportedly newly discovered facts. The magistrate judge entered this order resolving those filings and set a further status conference.

DISPOSITION

other

CASES CITED

- Monell v. New York City Department of Social Services, 436 U.S. 658, 690-91 (1978)
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Pacific Bell Tel. Co. v. LinkLine Communications, Inc., 555 U.S. 438, 456 n.4 (2009)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 MICHAEL WARD, No. 2:24-cv-0978 TLN AC 12 Plaintiff, 13 v. ORDER
14 CITY OF REDDING, et al., 15 Defendants. 16 17 18 Following the Pretrial Scheduling
Conference in this case, see ECF No. 47, plaintiff has 19 filed several motions and requests. ECF
Nos. 49, 50, 53, 58.

Below the court addresses these 20 matters and sets the case for a further status conference to
discuss general issues related to the 21 course of litigation. 22 I. Requests for Reconsideration
(ECF Nos. 49, 50) 23 The documents filed at ECF Nos. 49 and 50 both expressly seek review by
the assigned 24 district judge, Hon. Troy L. Nunley, of the ruling of the undersigned at the pretrial
scheduling 25 conference denying a discovery motion (ECF No. 45) without prejudice to refiling
in compliance 26 with the applicable rules governing discovery.

Neither ECF No. 49 nor ECF No. 50 is captioned 27 as required by Local Rule 303(c), which
provides that such requests “shall be captioned ‘Request 28 for Reconsideration by the District
Court of Magistrate Judge’s Ruling.’” L.R. 303(c).

Because 1 it is nonetheless clear that plaintiff seeks the review authorized by 28 U.S.C. § 636(b)
(1)(a) and 2 Rule 72(a) of the Federal Rules of Civil Procedure, the motions at ECF Nos. 49 and
50 are 3 construed as brought pursuant to Local Rule 303(c) and will accordingly be addressed by
the 4 district judge. 5 II. Objection to Scheduling Order and Request for Extension of Time (ECF

No. 53) 6 Plaintiff objects to the setting of an “unrealistic” deadline for discovery, and contends that 7 the undersigned has improperly limited discovery at the outset.

ECF No. 53 at 1-2. It is not 8 entirely clear which discovery deadlines plaintiff seeks to extend, and his motion does not request 9 any specific new deadlines. 10 To the extent that plaintiff seeks to retroactively reset the deadline for initial disclosures, it 11 appears he may be under the misapprehension that initial disclosures operate as a hard limit on 12 the scope of subsequent discovery and that they dictate the admissibility of evidence at trial.

That 13 is not the case. Initial disclosures are made based on the information reasonably available to the 14 parties at the time, Fed. R. Civ. P 26((a)(1)(E), and are subject to later supplementation. The 15 court has ordered no limitations on the scope of discovery in this case, and has made no 16 determinations about the admissibility of evidence. Discovery remains open until August 3, 17 2026.

ECF No. 48. 18 The only discovery-related ruling to date was the denial without prejudice of plaintiff’s 19 motion to compel responses to a subpoena (ECF No. 45). Without prejudice means that plaintiff 20 may try again.

The undersigned explained at the scheduling conference that because plaintiff 21 seeks documents from defendant City of Redding Police Department, he may utilize the tools of 22 party discovery (such as a request for production of documents) rather than a third-party 23 subpoena. Plaintiff has not been prevented from using any of the discovery processes available 24 under the federal rules, and he may bring a motion to compel at any time if he is dissatisfied with 25 defendants’ production in response to a proper request.

Such motions must comply with the 26 provisions of Local Rule 251 as well as the Federal Rules of Civil Procedure. 27 As to witnesses, the court merely informed plaintiff that testimony about incidents other 28 than those giving rise to a plaintiff’s claims is typically considered irrelevant except to the extent 1 that it establishes a pattern or practice of defendant misconduct.

2 Plaintiff has not identified any basis to revisit the initial disclosure deadline. He is free to 3 seek modification of the scheduling order in the future should discovery prove to be unusually 4 complicated or time-consuming. 5 III. Motion for Reinstatement of Monell Claim (ECF No. 58) 6 On defendants’ motion to dismiss the First Amended Complaint, plaintiff’s claims against 7 the Redding Police Department under 42 U.S.C. § 1983 were dismissed without leave to amend 8 for failure to state a claim under *Monell v. New York City Dept. of Social Services*, 436 U.S. 9 658, 690-91 (1978).¹ See ECF No. 25 (findings and recommendations) at 21-22; ECF No. 37 10 (order of the district judge) at 6, 11.

Plaintiff now seeks to “restore” a Monell claim based on 11 additional facts. ECF No. 58. Although the motion is directed on its face to the district judge, *id.* 12 at 1, the Local Rules of this

court refer all motions in pro se cases to the assigned magistrate judge in the first instance. See L.R. 302(c)(2). Although plaintiff states that he is seeking to “reinstate” a claim, he also clearly states that he seeks to plead new factual allegations based on recent discovery.

ECF No. 58 at 1, 8 (outlining “new evidence”). Accordingly, it appears that plaintiff wishes to amend the complaint. The relief that plaintiff seeks is governed by Rule 15(a)(2) of the Federal Rules of Civil Procedure. Leave to amend under this rule should be freely given “when justice so requires.” *Foman v. Davis*, 371 U.S. 178, 182 (1962). It may be denied for reasons including the futility of amendment and prejudice to the opposing party.

Id. The motion before the court does not permit evaluation of the adequacy of a free-standing Monell claim or assertions of municipal liability related to plaintiff’s § 1983 claims against individual defendants.

To ensure proper consideration of plaintiff’s request, the court will vacate the motion at ECF No. 58 and direct plaintiff to file a Motion for Leave to Amend pursuant to Rule 15(a)(2), accompanied by a proposed Second Amended Complaint. Other claims against the police department remain.] A proposed second amended complaint must include all the claims that Judge Nunley has previously authorized to proceed, see ECF No. 37, as well as the proposed Monell claim(s).

This is because, as a general rule, an amended complaint supersedes the previous pleading. See *Pacific Bell Tel. Co. v. Linkline Communications, Inc.*, 555 U.S. 438, 456 n.4 (2009) (“Normally, an amended complaint supersedes the original complaint”) (citing 6 C. Wright & A. Miller, *Federal Practice & Procedure* § 1476, pp. 556-57 (2d ed. 1990)).

Briefing of the anticipated Motion to Amend shall follow Local Rule 230. **CONCLUSION** For the reasons explained above, it is **HEREBY ORDERED** as follows: 1. Plaintiff’s filings at ECF Nos. 49 and 50 are construed as Requests for Reconsideration by the District Court of Magistrate Judge’s Ruling, and will be addressed pursuant to Local Rule 303(c) by the district judge; 2.

Plaintiff’s motion at ECF No. 53 is **DENIED**; 3. Plaintiffs request to “restore” the dismissed Monell claim to the First Amended Complaint (ECF No. 58) is **VACATED** without prejudice to the filing of a Motion for Leave to Amend under Rule 15(a)(2). Such a motion shall be filed and briefed pursuant to Local Rule 230, and it must be accompanied by a proposed Second Amended Complaint that (a) clearly sets forth plaintiff’s new allegations and claim(s) related to municipal liability, and (b) includes all claims previously authorized to proceed.

4. On the court’s own motion, a status conference is set for October 29, 2025, at 10:00 a.m. to be held via Zoom. **DATED:** October 8, 2025 ~ HAAvn— Mare **ALLISON CLAIRE** **UNITED STATES MAGISTRATE JUDGE**

