

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

RUBEN BUENROSTRO,

Plaintiff,

v.

CITY OF WILDER, a municipal
corporation in the State of Idaho;
WILDER HOUSING AUTHORITY,
an independent public body corporate
and politic in the State of Idaho;
MAYOR ROBERT RHODES,
individually and in his official
capacity,

Defendants.

Case No. 1:21-cv-00304-BLW

**MEMORANDUM DECISION
AND ORDER**

INTRODUCTION

Before the Court is Plaintiff Ruben Buenrostro's unopposed Motion for Leave to File an Amended Complaint (Dkt. 15). For the reasons explained below, the Court will grant the motion.

BACKGROUND

Plaintiff filed this lawsuit in July 2021. After filing his initial complaint—and well before the March 1, 2022 deadline established in the Scheduling Order, *see* Dkt. 13—plaintiff filed a motion seeking to amend his complaint. Plaintiff

explains that he has received a right to sue from the Idaho Human Rights Commission after filing his initial complaint and now seeks to add claims that were untimely prior to his receipt of the right to sue. Defendants have not opposed the motion.

DISCUSSION

Motions to amend are analyzed under Federal Rule of Civil Procedure 15(a). Rule 15(a) is a liberal standard and leave to amend “shall be freely given when justice so requires.” *AmerisourceBergen Corp. v. Dialysist West, Inc.*, 465 F.3d 946 (9th Cir. 2006). When determining whether to grant leave to amend, the Court considers five factors to assess whether to grant leave to amend: “(1) bad faith, (2) undue delay, (3) prejudice to the opposing party, (4) futility of amendment; and (5) whether plaintiff has previously amended his complaint.” *Allen v. City of Beverly Hills*, 911 F.2d 367, 373 (9th Cir. 1990).

Having considered these factors, the Court will grant leave to amend. Most significantly, plaintiff is well within the deadline established in the Scheduling Order and the defendants do not oppose the motion. Otherwise, there are no indications of bad faith, undue delay, or prejudice to the opposing party.

ORDER

IT IS ORDERED that:

1. Plaintiff's Motion for Amend (Dkt. 15) is **GRANTED**.
2. Plaintiff is directed to formally file his First Amended Complaint within 7 days of this Order.



DATED: January 20, 2022

A handwritten signature in black ink, reading "B. Lynn Winmill". The signature is written in a cursive, flowing style.

B. Lynn Winmill
U.S. District Court Judge