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7 UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA
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10 SYDNEY BROOKE ROBERTS and
11 DAVID TYRONE SAMUEL,

12 Plaintiffs,

13 v.

14 SACRAMENTO HOUSING &
15 REDEVELOPMENT AGENCY, et al.,

16 Defendants.

No. 2:22-cv-1699 DJC AC

ORDER

17 Plaintiffs are proceeding in this action pro se. Pre-trial proceedings are accordingly
18 referred to the undersigned by E.D. Cal. R. ("Local Rule") 302(c)(21). Before the court is
19 plaintiffs' motion for leave to file a Fourth Amended Complaint. ECF No. 139. Defendants
20 oppose the motion. ECF No. 141. Also before the court are the parties' separate status reports
21 addressing the scheduling of this case. ECF No. 143, 144. For the reasons that follow, plaintiffs'
22 motion to file a Fourth Amended Complaint is DENIED, and a schedule is set for the remainder
23 of this case.

24 **I. Motion to Amend**

25 Plaintiffs may amend a complaint once, without leave of court, up to 21 days after a
26 defendant answers. FRCP 15(a)(1). After that, "a party may amend its pleading only with the
27 opposing party's written consent or with leave of court. The court should freely give leave when
28 justice so requires." FRCP 15(a)(2). "Four factors are commonly used to determine the propriety

1 of a motion for leave to amend. These are: [1] bad faith, [2] undue delay, [3] prejudice to the
2 opposing party, and [4] futility of amendment.” DCD Programs, Ltd. v. Leighton, 833 F.2d 183,
3 186 (9th Cir. 1987).

4 This case was initiated over three years ago, on September 27, 2022. ECF No. 1.
5 Plaintiffs were allowed multiple opportunities to amend, and the operative Third Amended
6 Complaint was filed on November 15, 2022. ECF No. 11. This case has been through multiple
7 dispositive motions that have narrowed the claims and parties. ECF Nos. 60, 64 (terminating
8 minor plaintiffs and a defendant from the case), 76, 79 (denying plaintiffs’ motion for summary
9 judgment). Fact discovery has closed. ECF No. 58. Plaintiffs argue that they should be
10 permitted to file a Fourth Amended Complaint at this late juncture because “material agency
11 events occurred and entered this case’s merit’s analysis,” citing actions taken between 2023 and
12 February of 2024. ECF No. 139. Plaintiffs assert that amendment will streamline adjudication
13 and promote efficiency. Id. Plaintiffs attach the proposed 45-page Fourth Amended Complaint.
14 ECF No 139-1.

15 Leave to amend is denied for several reasons. First, there was undue delay in presenting
16 this motion. The events plaintiffs seek to include happened no later than February of 2024, more
17 than 19 months before the motion to amend was filed. Second, the proposed Fourth Amended
18 Complaint contains futile components, such as seeking to reinstate litigants who have properly
19 been dismissed. See, e.g., ECF No. 139-1 at 5 (purportedly reinstating dismissed minor
20 plaintiffs). Third, allowing amendment at this late juncture would prejudice the defendants, who
21 oppose amendment. Defendants correctly point out that fact discovery is closed, and the court
22 agrees that based on a review of the progression of this case, allowing amendment now would be
23 unduly prejudicial. Accordingly, plaintiffs’ request for leave to file a Fourth Amended Complaint
24 (ECF No. 139) is DENIED.

25 II. Case Schedule

26 On September 2, 2025, the undersigned ordered the parties to submit a joint status report
27 proposing new deadlines for expert discovery, dispositive motions, pre-trial conference, and trial
28 by October 1, 2025. ECF No. 136. Rather than filing a joint report, the parties each filed

1 separate status reports. ECF No. 143, 144. The court has considered both reports, and sets the
2 following deadlines:

- 3 1. Initial expert disclosures shall be made on or before February 25, 2026; rebuttal expert
4 disclosures shall be made on or before March 25, 2026.
- 5 2. All law and motion, except as to discovery, which is closed, shall be completed on or
6 before April 6, 2026.
- 7 3. The final pretrial conference is set before District Daniel J. Calabretta on June 18,
8 2026, at 1:30 p.m., via videoconference. Pretrial statements shall be filed in
9 accordance with Local Rules 281 and 282.
- 10 4. A jury trial is set to commence before District Judge Daniel J. Calabretta on
11 September 21, 2026, at 8:30 a.m., in Courtroom No. 7.

12 III. Conclusion

13 Plaintiffs' motion to file a Fourth Amended Complaint (ECF No. 139) is DENIED. Initial
14 expert disclosure are due February 25, 2026. Rebuttal Expert Disclosures are due March 25,
15 2026. The deadline for law and motion is April 6, 2026. A final pre-trial conference is set before
16 District Judge Calabretta on June 18, 2026. A jury trial is set to commence before Judge
17 Calabretta on September 21, 2026.

18 IT IS SO ORDERED.

19 DATED: January 15, 2026

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21 ALLISON CLAIRE
22 UNITED STATES MAGISTRATE JUDGE
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