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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JENNIFER SIMATIC,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

CASE NO. 3:21-cv-05180-MJP-JRC

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

This matter is before the Court on referral from the District Court (Dkt. 13) and on plaintiff's motion for leave to amend the complaint. Dkt. 16.

Plaintiff requests to amend her complaint to name the "Social Security Administration" as defendant, rather than the "Commissioner of Social Security." Dkt. 16, at 1–2. Plaintiff must have leave of Court to amend her complaint at this stage in the litigation. *See* Fed. R. Civ. P. 15(a). Defendant does not oppose the request to amend the complaint to name the Administration as defendant although defendant "does not stipulate that the proposed

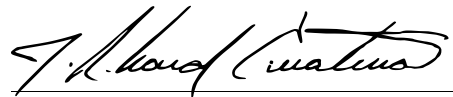
1 amendment is legally or factually sufficient, or otherwise results in a cognizable F[reedom of  
2 Information Act] or Privacy Act claim related to Plaintiff’s request for records.” Dkt. 18, at 2.

3 “Generally, Rule 15 advises the court that ‘leave shall be freely given when justice so  
4 requires.’” *Eminence Cap., LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003) (quoting  
5 *Owens v. Kaiser Found. Health Plan, Inc.*, 244 F.3d 708, 712 (9th Cir. 2001)). Factors to be  
6 considered in deciding whether to grant leave to amend include undue delay, bad faith, dilatory  
7 motive, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice  
8 to the opposing party by virtue of allowance of the amendment, and futility of amendment. *Id.* at  
9 1051–52. “Prejudice is the ‘touchstone of the inquiry under rule 15(a).’” *Id.* at 1051 (quoting  
10 *Lone Star Ladies Inv. Club v. Schlotzsky’s Inc.*, 238 F.3d 363, 368 (5th Cir. 2001)). Absent  
11 prejudice, or a strong showing of any of the remaining factors, there exists a presumption under  
12 Rule 15(a) in favor of granting leave to amend. *Id.*

13 Here, no prejudice to defendant is apparent. Nor is there a strong showing of any of the  
14 remaining factors as related to plaintiff’s proposed amendment. Therefore, the Court grants the  
15 motion for leave to amend. Plaintiff shall file the proposed amended complaint (Dkt. 16-1) as  
16 the operative complaint in this matter within 30 days of the date of this Order.

17 The Clerk’s Office shall send a copy of this Order to plaintiff.

18 Dated this 6th day of July, 2021.

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21 J. Richard Creatura  
22 Chief United States Magistrate Judge  
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