

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MARIA BENGOCHEA,

Plaintiff,

VS.

ALLSTATE INSURANCE COMPANY, *et al*,

Defendants.

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CIVIL ACTION NO. H-10-4343

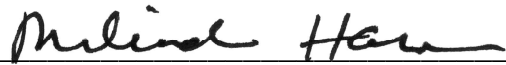
**OPINION AND ORDER**

Pending before the Court is Defendant Allstate Insurance Company’s motion for partial dismissal of Plaintiff Maria Bengochea’s original state court petition. Doc. 12. Bengochea has filed a response in which she moves for leave to file an amended complaint that complies with the pleading requirements of Federal Rules 8 and 9. Doc. 14.

District Courts should generally grant a plaintiff at least one chance to amend the complaint under Rule 15(a) before dismissing the plaintiff’s action. Therefore, the Court hereby

**ORDERS** that Plaintiff Maria Bengochea’s motion to file an amended complaint (Doc. 14) is **GRANTED**. Defendant Allstate Insurance Company’s motion for partial dismissal (Doc. 12) is **denied without prejudice**.

SIGNED at Houston, Texas, this 31st day of January, 2012.



MELINDA HARMON  
UNITED STATES DISTRICT JUDGE