

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

SONJA FLOYD KEITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACT. NO. 1:22CV418-ECM
	)	(wo)
DOTHAN POLICE DEPT., <i>et al.</i> ,	)	
	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION AND ORDER**

Now pending before the Court is the Plaintiff’s motion for leave to file an amended complaint. (Doc. 37).

This Court ordered the Plaintiff to show cause why the case should not be dismissed for failure to prosecute because the Plaintiff failed to respond to a motion to dismiss within the time given by the Court. (Doc. 36). The Plaintiff has responded that her original counsel was allowed to withdraw and during the time period in which the Plaintiff was not represented by counsel, she failed to respond to the motion to dismiss through negligence or inability to comply. Plaintiff’s new counsel also asks the Court to allow her to amend her complaint to clarify and more specifically state her claims and eliminate many of the issues raised in the motion to dismiss.

Generally, leave to amend should be “freely given when justice so requires.” FED. R. CIV. P. 15(a). Rule 15(a) does not require an amendment where “there has been undue delay in filing, bad faith or dilatory motives, prejudice to the opposing parties,” or where

the amendment would be futile. *Local 472 of United Ass'n of Journeymen & Apprentices of Plumbing & Pipefitting v. Ga. Power Co.*, 684 F.2d 721, 724 (11th Cir. 1982).

Given the articulated reasons for Plaintiff's failure to respond in a timely manner to the motion and her representation that an amended complaint will satisfy many of the concerns raised in the motion, it is hereby ORDERED

that the motion for leave to file a third amended complaint (doc. 37) is GRANTED to the extent that the Plaintiff is given until **May 12, 2023** to file an amended complaint.

DONE this 1st day of May, 2023.

/s/ Emily C. Marks

EMILY C. MARKS

CHIEF UNITED STATES DISTRICT JUDGE