

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

ERNEST DWIGHT LINDSEY,

Plaintiff,

vs.

STATE OF ALABAMA, et al.,

Defendants.

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CIVIL ACTION 12-0053-CG-M

ORDER

Plaintiff filed his Second Amended Complaint (Doc. 7) on February 15, 2012 and Defendants filed their Motion to Dismiss (Doc. 8) on February 28, 2012. A party may amend its pleading 21 days after serving it, or if a "pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b) . . . whichever is earlier." Fed. R. Civ. P. 15(a)(1). Otherwise, "a party may amend its pleading only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). Therefore, since Plaintiff filed his Third Amended Complaint (Doc. 21) on June 18, 2012, well beyond the 21 day time frame and has not obtained the opposing party's written consent or the Court's leave, the Third Amended Complaint is **STRICKEN**.

DONE this 19th day of June, 2012.

s/BERT. W. MILLING, JR.
UNITED STATES MAGISTRATE JUDGE