

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

TIFFANY M. WASHINGTON,)
)
 Plaintiff,)
)
 v.)
)
 MARK T. ESPER, et al.,)
)
)
 Defendants.)

CASE NO. 1:17-cv-00528-TFM-MU

ORDER

Pending before the Court is Plaintiff’s Motion for Leave to Amend Complaint (Doc. 81, filed 3/19/20), in which Plaintiff, now proceeding *pro se*, seeks leave to amend her complaint to bring five new claims for breach of contract. Plaintiff attaches to the motion a “Third Amended Complaint” and other documents. Docs. 81-1 to 81-7. Defendants timely responded that they do not oppose the motion to amend. Doc. 83.

The Court notes it never granted the motion for leave to file the proposed Second Amended Complaint to which Plaintiff cites (Doc. 58-1). Rather, on July 19, 2019, the Court granted the motion to stay and held the motion to amend in abeyance pending the resolution of the companion case in the D.C. Circuit. *See* Doc. 63. After the stay was lifted, the Court instructed Plaintiff to refile a motion to amend and a proposed amended complaint in accordance with its ruling on related matters because certain issues from the prior motion had been rendered moot by the D.C. Circuit’s ruling. *See* Doc. 79. The newly filed Motion for Leave to Amend (Doc. 81) is Plaintiff’s response to that Order and thus supersedes Plaintiff’s prior attempt (Doc. 58). Likewise, Plaintiff’s proposed “Third Amended Complaint” (Doc. 81-1) would actually be the second amended complaint. The Court also notes that the numbering of the proposed amended complaint begins at

Paragraph 47. Nevertheless, the proposed pleading does not appear to be intended as an addendum to a prior version of the complaint, but rather, as a stand-alone document. Moreover, the Court construes *pro se* pleadings liberally. *See Dixon v. Hodges*, 887 F.3d 1235, 1237 (11th Cir. 2018) (citing *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008)). Therefore, the Court construes the document entitled “Third Amended Complaint” as the Second Amended Complaint.

Accordingly, the motion for leave to amend (Doc. 81) is **GRANTED**. The Clerk of Court is **DIRECTED** to docket Plaintiff’s “Third Amended Complaint” (Doc. 81-1) as the operative Second Amended Complaint in this case.

DONE and **ORDERED** this 31st day of March 2020.

/s/ Terry F. Moorner
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE