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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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Deborah L Pierson,

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No. CV10-1048-PHX-DGC

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Plaintiff,

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ORDER

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vs.

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John E Potter, Postmaster General,

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Defendant.

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On November 8, 2010, Defendant filed a motion for a more definite statement under Rule 12(e). Doc. 8. On December 4, Plaintiff purported to file an amended complaint (Doc. 11) and also opposed Defendant’s motion (Doc. 12). On December 14, Defendant filed a reply conceding that the lodged amended complaint may sufficiently plead part of Plaintiff’s claims, but maintaining that some claims – including the age and sex discrimination claims as well as the retaliation claims – still need a more definite statement. Doc. 13. The motion has been fully briefed (Docs. 8, 12, 13), and the Parties did not request oral argument.

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The Court will grant Defendant’s motion. Rule 15(a)(1)(B) did not entitle Plaintiff to amend her complaint as a matter of course because more than 21 days had elapsed from the filing of Defendant’s motion. Plaintiff did not otherwise obtain leave of court to file the amended complaint as required by Rule 15. Accordingly, the Court will strike the amended complaint (Doc. 11).

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1 Plaintiff concedes that the original complaint (Doc. 1) does not meet the requirements
2 of Rule 8. See Doc. 12. Plaintiff shall file an amended complaint by **January 21, 2011**, that
3 pleads sufficient facts to meet the requirements of Rule 8 for all claims. The Court notes that
4 Plaintiff's attempted amended complaint (Doc. 11) does not adequately set forth the basis for
5 her age discrimination, sex discrimination, and retaliation claims. Plaintiff should correct
6 these deficiencies in her amended complaint.

7 **IT IS ORDERED:**

- 8 1. Defendant's motion for a more definite statement (Doc. 8) is **granted**.
- 9 2. The Clerk will strike Doc. 11 from the record.
- 10 3. Plaintiff shall file an amended complaint by **January 21, 2011** as stated above.

11 DATED this 29th day of December, 2010.

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David G. Campbell
United States District Judge
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