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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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) No. CV-10-2351-PHX-SMM

10 Wendell Dwayne O’Neal,

) **ORDER**

11 Plaintiff,

12 v.

13 Angela Atkins, et al.

14 Defendants.

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17 Before the Court is Plaintiff Wendell Dwayne O’Neal’s Motion for Leave to File a  
18 Second Amended Complaint (Doc. 21). Plaintiff seeks to amend his complaint to  
19 substitute the University of Phoenix as Defendant in place of “Axia Online College”<sup>1</sup> and  
20 to amend and clarify other allegations. Defendant University of Phoenix filed a response  
21 to Plaintiff’s motion indicating that it does not object to Plaintiff’s request (Doc. 24).  
22 Under Rule 15 of the Federal Rules of Civil Procedure, “[a] party may amend its pleading  
23 only with the opposing party’s written consent or the court’s leave.” Furthermore, “[t]he  
24 court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2).  
25 Defendant has provided written consent and the Court finds that no party will be  
26 prejudiced by amendment at this early stage of the proceeding.

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28 <sup>1</sup>Axia Online College does not exist as a separate legal entity, but is rather a college within the University of Phoenix.

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Accordingly,

**IT IS HEREBY ORDERED GRANTING** Plaintiff's motion for Leave to File a Second Amended Complaint. Plaintiff is directed to effect proper service of the Amended Complaint in accordance with Federal Rules of Civil Procedure Four and Five.

**IT IS FURTHER ORDERED** that Defendants should file their Answer within 14 days after service of the amended pleading.

DATED this 16<sup>th</sup> day of February, 2011.

  
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Stephen M. McNamee  
United States District Judge