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5 **IN THE UNITED STATES DISTRICT COURT**  
6 **FOR THE DISTRICT OF ARIZONA**  
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8 Shirley Hlavaty,

9 Plaintiff,

10 vs.

11 United States of America,

12 Defendant.

No. CV-11-587-PHX-DGC

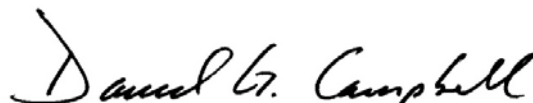
**ORDER**

13 The United States filed a motion to dismiss on May 3, 2011. Doc. 5. On May 31,  
14 2011, Plaintiff filed an amended complaint. Doc. 7. Because that document was filed  
15 more than 21 days after service of the motion to dismiss, Plaintiff needs leave of Court to  
16 amend her pleading. *See* Fed. R. Civ. P. 15(a)(1)(B). The United States has withdrawn  
17 its motion to dismiss (Doc. 9), and does not object to the filing of an amended complaint.  
18 Pursuant to Rule 15(a)(2), and in the interest of justice, the Court will grant leave to  
19 amend.

20 **IT IS ORDERED:**

- 21 1. Plaintiff's "motion to amend" (Doc. 7) is **granted**.
- 22 2. The amended pleading filed on May 31, 2011 (Doc. 7) is deemed the  
23 operative complaint in this matter.
- 24 3. The United States shall have until **July 15, 2011** to answer or otherwise  
25 respond to the amended complaint.

26 Dated this 30th day of June, 2011.

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David G. Campbell  
United States District Judge