

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

SHERYL OWENS,

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Plaintiff,

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vs.

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No. 2:09CV00124 SWW

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RAY NASSER, ET AL.,

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Defendants.

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ORDER

Before the Court is defendants' motion to dismiss to which plaintiff responded. Also before the Court is plaintiff's motion to file an amended complaint.

Plaintiff filed an employment discrimination complaint on August 25, 2009.¹ She filed an amended complaint on March 24, 2010, attaching her notice-of-right-to sue letter dated December 4, 2009. Defendants move to dismiss on the basis that more than ninety days elapsed between the issuance of the right-to-sue letter and the filing of plaintiff's amended complaint. In response, plaintiff notes she filed the motion to amend her complaint on March 5, 2010. She argues that because the earliest she could have received the right-to-sue letter was December 5, 2010, the ninetieth day would have been March 5, 2010, the day she filed her motion to amend the complaint. Thus, her amended complaint is timely.

The Court finds the motion to dismiss [docket entry 19] should be denied. The Court further finds that plaintiff's unopposed motion to file a second amended complaint [docket entry 23] is

¹Plaintiff noted in her complaint (docket entry 1) that she was awaiting the notice-of-right-to-sue letter and would be filing a motion for leave to amend once she received the letter. *See* Compl., ¶ 2.

granted. Plaintiff is directed to file her amended complaint within seven days of the date of entry of this Order.

SO ORDERED this 13th day of May, 2010.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE