

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

9 Sy Lee Castle,) No. CV 1-08-01267-JAT
10 Plaintiff,) **ORDER**
11 vs.)
12 M. Knowles, et al.,)
13 Defendant.)
14 _____)
15)

16 Pending before this Court is Defendants Knowles, Fisher, and Phillips' Motion to
17 Dismiss (Doc. # 19), and Plaintiff Sy Lee Castle's Motion to Amend (Doc. # 23). This is
18 Plaintiff's first request to amend his complaint. As such, Plaintiff is permitted to amend his
19 complaint as a matter of right, notwithstanding Defendants' pending motion to dismiss.
20 *Schreiber Distrib. Co. v. Serv-Well Furniture Co.*, 806 F.2d 1393, 1401 (9th Cir. 1986).

21 || Accordingly,

22 **IT IS ORDERED** that Defendants' Knowles, Fisher, and Phillips' Motion to Dismiss
23 (Doc. # 19) is denied without prejudice.

24 **IT IS FURTHER ORDERED** that Plaintiff Sy Lee Castle's Motion to Amend (Doc.
25 # 23) is granted.

26 **IT IS FURTHER ORDERED** that the Clerk of the Court shall file Plaintiff's lodged
27 First Amended Complaint (Doc. # 25).

1 **IT IS FINALLY ORDERED** that Defendants shall have ten (10) days from the date
2 of this Order to respond to Plaintiff's amended complaint.

3 DATED this 23rd day of September, 2009.


James A. Teilborg
United States District Judge