Faulks v. Wells Fargo & Company et al Doc. 16

UNITED STATES DISTRICT COURT
Northern District of California

LAURENCE FAULKS,

Plaintiff,

v.

WELLS FARGO & CO., et al.,

Defendants.

_____/

No. C 13-2871 MEJ

ORDER DISCHARGING OSC

ORDER RE: REQUEST TO FILE AMENDED COMPLAINT

Pending before the Court is Defendants' Motion to Dismiss. Dkt. No. 6. On August 12, 2013, Plaintiff's counsel filed a declaration requesting additional time to file an amended complaint. Dkt. No. 11. Under Federal Rule of Civil Procedure 15, a party may amend its pleading once "as a matter of course" within "21 days after service of a responsive pleading or 21 days after service of a motion. Fed. R. Civ. P. 15(a)(1). Here, more than 21 days have passed since Defendants filed their Motion. However, the Court notes that Plaintiff originally appeared pro se in this matter and only recently obtained counsel. Accordingly, as no prior amended complaints have been filed, the Court finds good cause exists to permit Plaintiff to file an amended complaint under Rule 15(a). Plaintiff shall file his amended complaint by August 29, 2013. Since Defendants' motion is based on Plaintiff's original complaint, the Court hereby DENIES the Motion WITHOUT PREJUDICE. If Plaintiff fails to file an amended complaint by August 29, Defendants may re-notice their Motion pursuant to Civil Local Rule 7. The July 29, 2013 Order to Show Cause is DISCHARGED.

IT IS SO ORDERED.

Dated: August 12, 2013

Maria-Elena James
United States Magistrate Judge

UNITED STATES DISTRICT COURT
For the Northern District of California

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