

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ESPERANZA CORRAL,
Plaintiff,

v.

SELECT PORTFOLIO SERVICING, INC.,
et al.,
Defendants.

Case No. [14-cv-02251-MEJ](#)

**ORDER FINDING AS MOOT MOTION
TO DISMISS**

Re: Dkt. No. 8

Pending before the Court is Defendants' Motion to Dismiss. Dkt. No. 8. However, on July 2, 2014, Plaintiff filed an Amended Complaint. Dkt. No. 19. 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 motion under Rule 12(b), (e), or (f)." Fed. R. Civ. P. 15(a)(1)(B). Here, Defendants filed their motion on May 22, 2014, and Plaintiff is therefore not entitled to file an amended complaint as a matter of course under Rule 15(a). "In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). Plaintiff failed to obtain either Defendants' consent or the Court's leave. However, Rule 15 provides that leave to amend a complaint should be "freely given when justice so requires," Fed. R. Civ. P. 15(a)(2), and "[t]his policy is to be applied with extreme liberality." *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003). Accordingly, so the case may proceed on the merits, and to avoid further motion practice on this issue, the Court shall permit Plaintiff's amendment. Since Defendants' motion is based on Plaintiff's original complaint, the Court hereby DENIES Defendants' motion as moot. Defendants shall file an answer or other responsive pleading within 21 days from the date of this Order.

Plaintiff is advised that no further amendments may be made without seeking leave of Court pursuant to Rule 15 and Civil Local Rule 7. Based on the procedural history of this case,

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Plaintiff is also reminded that the Court will likely impose sanctions for any future failure to comply with the rules, orders, and deadlines of this Court. *See* Dkt. Nos. 14, 17-18.

IT IS SO ORDERED.

Dated: July 2, 2014



MARIA-ELENA JAMES
United States Magistrate Judge