

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 08-cv-00262-CMA-KMT

JOHN NASIOUS

Plaintiff.

v.

SHERIFF T. GRAYSON ROBINSON - Arapahoe County Detention Facility,
in his official and individual capacity, and
EDDIE GILMORE - Aramark Correctional Services,
in his official and individual capacity,

Defendants.

ORDER

This matter is before the court on review of Plaintiff's "Amended Prisoner Complaint" filed February 27, 2009 (Doc. No. 40). The record in this case shows Plaintiff filed his first complaint on February 7, 2008 (Doc. No. 2), and his first amended complaint on April 1, 2008 (Doc. No. 11). An Answer to the second amended complaint was filed by Defendant Sheriff J. Grayson Robinson on June 24, 2009 (Doc. No. 21).

Rule 15 states a party may amend its pleadings once as a matter of course before being served with a responsive pleading. Fed. R. Civ. P. 15(a)(1)(A). In all other cases, a party may amend its pleadings only with the opposing party's written consent or the court's written leave. Fed. R. Civ. P. 15(a)(2). There is no record that the defendants in this case gave their written

consent for the filing of the third amended complaint, and Plaintiff did not seek leave of the court before filing it. Therefore, it is

ORDERED that Plaintiff's "Amended Complaint" filed and docketed as a "Tendered Amended Complaint" on February 27, 2009 (Doc. No. 40), is STRICKEN.

Dated this 2nd day of March, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kathleen M. Tafoya", written in a cursive style.

Kathleen M. Tafoya
United States Magistrate Judge