

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

Civil Action No. 09–cv-00907-ZLW-KMT

GARY H. FUGATE,

Plaintiff,

v.

KEVIN ESTEP,
EMILY BOND,
BRET YOUNGBLOOD,
REBBECA ADKINS, and
STACY SMITH, in their individual and official capacities,

Defendants.

AMENDED ORDER

This matter is before the court *sua sponte* on review of Plaintiff’s “Additional Prisoner Complaint” (Doc No. 26) filed September 18, 2009. The record in this case shows plaintiff filed his first complaint on April 21, 2009 (Doc. No. 3), and his Amended Prisoner Complaint on May 29, 2009 (Doc. No. 11).

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). In this case, there is no record that the defendants in this case gave their

written consent for the filing of the “Additional Prisoner Complaint,” and Plaintiff did not seek leave of the court. Therefore, it is

ORDERED that Plaintiff’s “Additional Prisoner Complaint” (Doc. No. 26) is STRICKEN.

Dated this 21st day of September, 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