

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00030-WYD-MEH

JOHN B. VIROSTEK, and
ROBIN WOOD-VIROSTEK,

Plaintiffs,

v.

INDY-MAC MORTGAGE SERVICES,
ONEWEST BANK,
DEUTSCHE BANK NATIONAL TRUST, and
MORTGAGE ELECTRONIC REGISTRATION SYSTEM (MERS),

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on October 26, 2011.

Before the Court is Defendants' Motion to Dismiss Second Amended Complaint [filed October 24, 2011; docket #32]. The motion concerns a pleading tendered by Plaintiff John Virostek on October 6, 2011 titled, "Plaintiff's Verified Second Amended Complaint" [docket #31]. Pursuant to Fed. R. Civ. P. 15(a), the Plaintiff must seek leave to file such a pleading;¹ because he has not done so, the tendered pleading is **stricken** and the Defendant's Motion to Dismiss is **denied as moot**.

¹To the extent that Mr. Virostek interpreted this Court's September 6, 2011 Recommendation [docket #30] as giving him permission to file the pleading, he is incorrect; the Recommendation merely recommends that the District Court grant the Plaintiffs leave to file an amended pleading. The District Court has not yet ruled on the pending Recommendation.