

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 11-cv-02565-WJM-BNB

SIGNE MARTIN,

Plaintiff,

v.

CANON BUSINESS SOLUTIONS, INC.,

Defendant.

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**ORDER**

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This matter arises on the plaintiff's **Amended Complaint** [Doc. # 9] filed 1/17/2012, which is STRICKEN.

The action was commenced by the filing of a complaint on September 30, 2011. The case file contains a Waiver of Service [Doc. # 4, filed 10/26/2011] indicating that service was waived on October 25, 2011. The defendant answered the complaint on December 19, 2011.

The Amended Complaint was filed on January 17, 2012, without leave of court and without the written consent of the defendant.<sup>1</sup>

Amendment of pleadings is governed by Fed. R. Civ. P. 15(a) which provides in relevant part:

**(a) Amendments Before Trial.**

**(1) *Amending as a Matter of Course.*** A party may amend its pleading once as a matter of course within:

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<sup>1</sup>In addition, the Amended Complaint does not comply with the formatting requirements of this court. See D.C.COLO.LCivR 10.1.

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

(2) *Other Amendments.* In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.

The plaintiff may not amend the complaint as a matter of course, no written consent of the defendant has been provided, and leave of court was not obtained.

IT IS ORDERED that the Amended Complaint [Doc. # 9] is STRICKEN.

Dated January 24, 2012.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge