

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01434-CMA-MEH

JOHN RAINEY,

Plaintiff,

v.

RICHARD,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on July 31, 2012.

Once again, Plaintiff's Motion to Amend Complaint [filed July 30, 2012; docket #27] is **denied as moot**. As explained in this Court's June 25, 2012 and July 17, 2012 orders, the Plaintiff may file an Amended Complaint once as a matter of course (i.e., *without seeking permission from the Court*) either before or within 21 days after the Defendant files an answer or motion pursuant to Fed. R. Civ. P. 12. *See* Fed. R. Civ. P. 15(a). Here, the Plaintiff has not yet filed an amended pleading and the Defendant has not yet filed an answer or other response to the operative Complaint; therefore, at this stage of the proceeding, the Plaintiff need not seek permission from the Court, but may file an amended complaint within the time period established in Rule 15. The Court notes that the Plaintiff has not attached a proposed amended complaint to his motion.

Although it appears that a form was mailed with the last order, the Clerk of the Court is directed to provide to the Plaintiff another copy of the proper "complaint" form to be used in prisoner proceedings with the mailing of this order.

The Plaintiff is warned that any further filings that do not comply with this Court's orders may be stricken from the record.