

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

Civil Action No. 12-cv-03225-RBJ-KMT

BRIAN EDMOND BATH, Real Party in Interest under injury,

Plaintiff,

v.

MIDLAND CREDIT MANAGEMENT INC,  
PAUL J. GRINBERG, and  
JOHN AND JANE DOES (1-100),

Defendants.

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**MINUTE ORDER**

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**ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA**

This matter is before the court on “Plaintiff’s Motion in Support of Motion for Leave to File Amended Pleading” (Doc. No. 14, filed January 2, 2013). Plaintiff’s motion is unnecessary, as, pursuant to Fed. R. Civ. P. 15(a)(1), he could have filed his amended complaint as a matter of course. Therefore, the Motion for Leave to File Amended Pleading (Doc. No. 14) is **DENIED** as moot. The Clerk shall file the Statement of Facts and Exhibits (Doc. Nos. 14-1 through 14-4, and docket as the document as an Amended Complaint and Exhibits.

As “Defendants’ Motion to Dismiss” (Doc. No. 11, filed December 21, 2012) is directed at the now non-operative complaint, it is **DENIED** as moot. Defendants may answer or otherwise respond to the Amended Complaint no later than March 5, 2013.

It is unclear whether Plaintiff’s Motion for Summary Judgment (Doc. No. 13, filed January 2, 2013) is directed at the now non-operative complaint or the Amended Complaint. Therefore, it is **DENIED** without prejudice. Plaintiff may refile his Motion for Summary Judgment directed at the Amended Complaint.

Dated: February 15, 2013