

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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RON DIXON, as Conservator for))	
Beatrice Jiggetts,))	
))	
Plaintiff,))	
))	
v.))	Civil Action No. 09-1789 (RWR)
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MIDLAND MORTGAGE CO.,))	
))	
Defendant.))	
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MEMORANDUM ORDER

The defendant removed this action from the Superior Court of the District of Columbia on September 21, 2009 and on September 28, 2009 moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the entire complaint, which raised claims of breach of contract, trespass and conversion. On June 29, 2010, the defendant's motion was granted as to the plaintiff's conversion claim, but denied as to the plaintiff's breach of contract and trespass claims. On August 2, 2010, without seeking leave to amend, the plaintiff filed an amended complaint purporting to add a wrongful eviction claim. (Am. Compl. Docket Entry #14.) Under Rule 15(a), a party may amend its pleading once as a matter of course within 21 days after it is served, 21 days after service of the responsive pleading if the pleading is one to which a responsive pleading is required, or 21 days after service of a motion under Rule 12(b), (e), or (f). Fed. R. Civ.

P. 15(a) (1). "In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a) (2). Because the plaintiff did not file timely his amended complaint or seek leave to amend or submit any written consent from the defendant, it is hereby

ORDERED that plaintiff's amended complaint [14] be, and hereby is, STRICKEN.

SIGNED this 27th day of August, 2010.

 /s/
RICHARD W. ROBERTS
United States District Judge