

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MITIL DORSELY,

Plaintiff,

v.

Case No: 2:17-cv-37-FtM-99CM

GREGORIO GONZALEZ, JR. ,

Defendant.

ORDER

This matter comes before the Court upon review of Plaintiff's Motion to Allow Correction of Spelling due to Scrivener's Error (Doc. 16) filed on March 29, 2017. Plaintiff seeks to amend the case style, complaint, and all subsequent documents to correct his surname as "Dorseli." Doc. 16 at 2. Defendant does not oppose the requested relief.

Rule 15 of Federal Rules of Civil Procedure provides that, for amendments not filed as a matter of course, "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." Fed. R. Civ. P. 15(a)(2). "Although leave to amend shall be freely given when justice so requires, a motion to amend may be denied on numerous grounds such as undue delay, undue prejudice to the defendants, and futility of the amendment." *Maynard v. Bd. of Regents of the Div. of Univs. of the Fla. Dep't of Educ. ex rel. Univ. of S. Fla.*, 342 F.3d 1281, 1287 (11th Cir. 2003) (internal quotation marks omitted). Here, the Court does not find undue delay, undue prejudice to the

defendants, and futility of the amendment because the proposed amendment is to correct Plaintiff's surname.

ACCORDINGLY, it is hereby

ORDERED:

1. Plaintiff's Motion to Allow Correction of Spelling due to Scrivener's Error (Doc. 16) is **GRANTED**.

2. Plaintiff shall have up to and including **April 4, 2017** to file an amended complaint that reflects Plaintiff's name as "Mitil Dorseli."

3. The Clerk of Court is directed to edit the docket to reflect Plaintiff's name as "Mitil Dorseli." The caption of all future filings in this case also should so reflect.

DONE and **ORDERED** in Fort Myers, Florida on this 30th day of March, 2017.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record