

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

BERNT WALTHER VON GRABE,

Plaintiff,

-vs-

Case No. 6:09-cv-2162-Orl-31GJK

**U.S. DEPARTMENT OF HOMELAND
SECURITY,**

Defendant.

ORDER

This matter comes before the Court *sua sponte*. On July 28, 2010, the Plaintiff filed an amended complaint (Doc. 83). Rule 15 of the Federal Rules of Civil Procedure governs amending of pleadings. Rule 15(a)(1) permits amendments as a matter of course within 21 days of the original filing or within 21 days after service of a responsive pleading or a motion to dismiss under Rule 12(b), 12(e), or 12(f). Both the original complaint and the Defendant's answer (Doc. 32) were filed more than 21 days before the filing of the amended complaint, so Rule 15(a)(1) is inapplicable. The Plaintiff was therefore required, under Rule 15(a)(2), to seek leave of court to amend his pleading. He did not do so.

To the extent that the filing may have been intended as a motion for leave to amend pursuant to Rule 15(a)(2), the Court would deny such a motion. As currently constituted, this matter involves a FOIA claim against one federal defendant for allegedly refusing to send the Plaintiff a copy of a single, immigration-related document. The proposed amended complaint

would add a host of claims with only the most tenuous connection to the current matter.¹ The Court finds that justice does not require such an amendment.

In consideration of the foregoing, it is hereby

ORDERED that the Amended Complaint (Doc. 83) is hereby **STRICKEN**.

DONE and **ORDERED** in Chambers, Orlando, Florida on August 16, 2010.



GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party

¹The proposed *pro se* amended complaint is not a model of clarity, but so far as the Court can discern, Plaintiff seeks to bring claims against the State of Florida for denying drivers' licenses to certain non-citizens, and seeks to sue a hospital for medical malpractice and assault-type claims.