

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 12-23508-CIV-LENARD/O'SULLIVAN

HARRIUS JOHNSON, *Pro Se*,
Plaintiff,

v.

MIAMI-DADE COUNTY,
Defendant.

_____ /

ORDER

THIS MATTER is before the Court on the Defendant's Motion to Dismiss and Memorandum of Law in Support (DE # 6, 10/17/12) and the Plaintiff's Motion for Leave to File First Amended Complaint (DE# 12, 11/05/12). Having reviewed the applicable filings and the law, it is

ORDERED AND ADJUDGED that the Defendant's Motion to Dismiss and Memorandum of Law in Support (DE # 6, 10/17/12) is **DENIED as moot**. The plaintiff has filed a motion for leave to amend his complaint which the Court will grant in this Order. See Plaintiff's Motion for Leave to File First Amended Complaint (DE# 12, 11/05/12). It is further

ORDERED AND ADJUDGED that the Plaintiff's Motion for Leave to File First Amended Complaint (DE# 12, 11/05/12) is **GRANTED** in accordance with this order. Unless a motion to amend a pleading is made in bad faith or for undue delay, constitutes dilatory conduct, or will prejudice a non-movant, leave to amend should be given freely. See Hargett v. Valley Fed. Sav. Bank, 60 F.3d 754, 761 (11th Cir. 1995). The undersigned finds that the defendant will not be prejudiced by permitting the plaintiff to amend his complaint as requested. The undersigned further finds that there

is no bad faith, dilatory conduct or undue delay on the part of the plaintiff in making this motion. The Court accepts the First Amended Complaint Attachment and Statement of Claim (DE# 14, 11/05/12) filed on November 2, 2012. The defendant shall respond to the amended complaint in accordance with the applicable rules.

DONE AND ORDERED in Chambers at Miami, Florida this **5th** day of
November, 2012.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

Copies to:
United States District Judge Lenard
All Counsel of Record

Copies mailed by Chambers to:
Harrius S. Johnson
11173 N. Kendall Drive #F107
Miami, FL 33176