

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 10-CV-80419-COHN/SELTZER

ROY DIXON,

Plaintiff,

v.

PALM BEACH COUNTY PARKS, et. al.,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE FIRST AMENDED
COMPLAINT**

THIS CAUSE is before the Court on Plaintiff's Motion for Leave to File First Amended Complaint [DE 14] ("Motion"). The Court has reviewed the Motion and is otherwise advised in the premises.

On April 15, 2010, Defendant Palm Beach County Parks filed its Motion to Dismiss [DE 9]. Thereafter, on April 19, 2010, Defendant Eric Hall filed his Motion to Dismiss [DE 13]. Also on April 19, 2010, Plaintiff, proceeding *pro se*, filed his Motion for Leave to File First Amended Complaint wherein he "requests that this Honorable Court grant him leave to file his First Amended Complaint with supplemental evidence in support." Motion at 1.

Pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), a party may amend its pleading once as a matter of course within twenty-one days after service of a motion to dismiss for failure to state a claim. Fed. R. Civ. P. 15(a)(1)(B). Plaintiff, therefore, need not seek leave of the Court to file an amended complaint before May 6, 2010.

Accordingly, it is **ORDERED AND ADJUDGED** that Plaintiff's Motion for Leave to File First Amended Complaint [DE 14] is **GRANTED**. It is further **ORDERED AND ADJUDGED** that Defendant Palm Beach County Parks' Motion to Dismiss [DE 9] and Defendant Eric Hall's Motion to Dismiss [DE 13] are both **DENIED AS MOOT**.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 20th day of April, 2010.

Copies provided to counsel of record.



JAMES I. COHN
United States District Judge