



Injunction (Doc. 19) and Plaintiff's Motion for Class Action Status (Doc. 22). The Court accepts and adopts those unopposed recommendations for reason of the findings made and reasons stated therein.

Plaintiff's Objection (Doc. 46) argues that his Motion to Amend the Complaint (Doc. 20) should be granted pursuant to Federal Rules of Civil Procedure 15(a)(1) and 15“(c)(C)” – which the Court construes as meaning Rule 15(c)(1)(C). The Court finds that Rule 15(c)(1)(C) addresses when an amendment to a pleading “relates back” to the date of the original pleading, Fed. R. Civ. P. 15(c)(1)(C), a procedural scenario that is inapplicable to Plaintiff's Motion to Amend the Complaint (Doc. 20). Additionally, Rule 15(a)(1) provides for amendment of pleadings as a matter of course, but such may occur only within 21 days after serving the pleading or within the earlier of 21 days after service of a responsive pleading or 21 days after service of a 12(b), 12(e), or 12(f) motion if the pleading is one to which a responsive pleading is required. Fed. R. Civ. P. 15(a)(1). The Docket reflects that none of those conditions are satisfied. (*See generally* Docket). The Court finds that Plaintiff's Objection (Doc. 46) fails to rebut the legally sound Report and Recommendation of Judge Langstaff.

For the foregoing reasons, the objections set forth in Plaintiff's Objection (Doc. 46) are **OVERRULED** and United States Magistrate Judge Langstaff's June 14, 2010 Report and Recommendation (Doc. 39) is **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein together with the reasons stated and conclusions reached herein. Accordingly, Plaintiff's Motion for Preliminary Injunction (Doc. 19) is **DENIED**, Plaintiff's Motion to Amend the Complaint (Doc. 20) is **DENIED WITHOUT**

**PREJUDICE**, and Plaintiff's Motion for Class Action Status (Doc. 22) is **DENIED**.

**SO ORDERED**, this 26<sup>th</sup> day of August, 2010.

/s/ W. Louis Sands  
**THE HONORABLE W. LOUIS SANDS,**  
**UNITED STATES DISTRICT COURT**