

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

KWASI MITCHELL,	)	
Plaintiff,	)	
v.	)	CAUSE NO.: 2:11-CV-91-PRC
	)	
LAKE COUNTY, INDIANA, JOHN	)	
BUNCICH, LAKE COUNTY SHERIFF,	)	
LAKE COUNTY SHERIFF'S DEPARTMENT,	)	
JEFFREY KUMOREK, ADMINISTRATOR	)	
OF THE JAIL, and MED-STAFF, INC.,	)	
Defendants.	)	

**OPINION AND ORDER**

This matter is before the Court on (1) a Motion to Dismiss [DE 17], filed by Defendants Lake County, Indiana, John Buncich (“Buncich”), Lake County Sheriff, Lake County Sheriff’s Department (“Sheriff’s Department”), and Jeffrey Kumorek (“Kumorek”), Administrator of the Lake County Jail on May 9, 2011, (2) a Response to State Defendants’ Motion to Dismiss and Motion for Leave to File Amended Complaint [DE 23], filed by Plaintiff on July 13, 2011, and (3) a Motion for Leave to File Amended Complaint [DE 32], filed by Plaintiff on June 30, 2011. Plaintiff also filed a response to the Motion to Dismiss on June 30, 2011. The Defendants have not filed a reply in support of the Motion to Dismiss nor have they filed a response in opposition to the Motion for Leave to File Amended Complaint.

In the Motion to Dismiss, Defendants argue that Plaintiff’s Complaint fails to state a claim under Federal Rule of Civil Procedure 12(b)(6) because it does not allege “sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009) (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Plaintiff seeks leave of Court to amend his Complaint in order to cure the alleged deficiencies. Noting the lack of objection and in the interests of justice, the Court finds that Plaintiff’s Motion to Amend

Complaint should be granted in order to cure the alleged deficiencies in the Complaint. *See* Fed. R. Civ. P. 15(a)(2) (“The court should freely give leave when justice so requires.”).

Accordingly, the Court hereby **GRANTS** the Motion for Leave to File Amended Complaint [DE 32] and **DENIES as moot** the Motion to Dismiss [DE 17] and the Motion for Leave to File Amended Complaint [DE 23]. The Court **ORDERS** Plaintiff to **FILE** the Amended Complaint on or before **August 8, 2011**.

SO ORDERED this 1st day of August, 2011.

s/ Paul R. Cherry \_\_\_\_\_  
MAGISTRATE JUDGE PAUL R. CHERRY  
UNITED STATES DISTRICT COURT

cc: All counsel of record