

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

THOMAS R. HODGE,)	
)	
Plaintiff,)	
)	
vs.)	Cause No: 1:09-cv-519-WTL-DML
)	
COUNTY OF DELAWARE, et al.,)	
)	
Defendants.)	

ENTRY ON SECOND MOTION TO AMEND COMPLAINT

This cause is before the Court on the Plaintiff’s Second Motion for Leave to Amend Complaint (dkt. #20). The motion is fully briefed and the Court, being duly advised, **GRANTS** the motion to amend and **DEEMS FILED** the amended complaint as of the date of this Entry.

The instant motion was filed in response to a recent order granting a motion to dismiss filed by the Defendants and denying the Plaintiff’s first motion to amend, but giving the Plaintiff the opportunity to move to file an amended complaint that was consistent with the order. Specifically, the Plaintiff was instructed that he could file an amended complaint that asserted a claim against Defendant Sheriff George Sheridan, in his official capacity, for violating the Plaintiff’s constitutional rights by failing to train his officers. The amended complaint now proposed by the Plaintiff complies with that directive and adequately sets forth a failure to train claim pursuant to 42 U.S.C. § 1983. While the Court recognizes and appreciates the Defendant’s argument to the contrary, the Court believes that the proposed amended complaint satisfies the requirements of notice pleading and that the factual allegations therein are not “so sketchy or implausible that they fail to provide sufficient notice to defendants of the plaintiff’s claim.” *Brooks v. Ross*, 578 F.3d 574, 581 (7th Cir. 2009). Accordingly, this case will be allowed to

proceed.

SO ORDERED: 11/17/2009

A handwritten signature in black ink, reading "William T. Lawrence", written over a horizontal line.

Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Copies to all counsel of record via electronic notification