

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

P.F., a minor by and through his)
Natural Mother and Next Friend,)
JESSICA FLAX,)
)
Plaintiff,)
)
v.)
)
ERIC L. HETZEL, D.O.,)
)
Defendant.)

Case No. 17-2184-CM

ORDER

This matter comes before the court upon defendant’s Motion for Leave to Amend (ECF No. 53). For the following reasons, this motion is granted.

Defendant filed this motion on May 15, 2018. Plaintiff has failed to file a timely response. Local Rule 7.4(b) provides that “[a]bsent a showing of excusable neglect, a party or attorney who fails to file a responsive brief or memorandum within the time specified . . . waives the right to later file such brief or memorandum.”¹ The Local Rule also states that if a party fails to timely file a responsive brief, the court considers and decides the motion as uncontested, and will usually grant the motion without further notice.² Accordingly, the court grants defendant’s motion.

IT IS THEREFORE ORDERED that defendant’s Motion for Leave to Amend (ECF No. 53) is hereby granted. Defendant shall file his amended answer by June 8, 2018.

IT IS SO ORDERED.

Dated this 30th day of May, 2018, at Topeka, Kansas.

¹ D. Kan. Rule 7.4(b).

² *Id.*

s/ K. Gary Sebelius
K. Gary Sebelius
U.S. Magistrate Judge