

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

RONALD LIGHTELL

CIVIL ACTION

VERSUS

NO. 20-672

TIM WALKER, ET. AL.

SECTION "B" (1)

ORDER AND REASONS

Considering defendants' motion to dismiss for failure to state a claim (Rec. Doc.5) and plaintiff's opposition (Rec. Doc. 9),

IT IS ORDERED that defendant's motion to dismiss is **DISMISSED** in view of the subsequently filed amended complaint (Rec. Doc. 11) and defendants second motion to dismiss (Rec. Doc. 14). Plaintiff sought and was granted leave to file his first amended complaint (Rec. Doc. 11) on May 21, 2020, after defendant filed the instant motion to dismiss, as allowed by Federal Rule of Civil Procedure 15(a)(2). See Fed. R. Civ. P. 15(a)(2) ("[A] party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires."). Defendants' second motion to dismiss (Rec. Doc. 14) is nearly identical to the first motion to dismiss (Rec. Doc. 5), therefore the court will consider the later filed motion.

New Orleans, Louisiana this 20th day of July, 2020


SENIOR UNITED STATES DISTRICT JUDGE