

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PETER BORMUTH,

Plaintiff,

v.

Case No. 12-11235

CITY OF JACKSON, et al.,

Defendants.

**ORDER GRANTING MOTION TO AMEND COMPLAINT, DENYING WITHOUT
PREJUDICE DEFENDANT CITY OF JACKSON'S MOTION TO DISMISS,
AND SETTING DEADLINE FOR RESPONDING TO AMENDED COMPLAINT**

Before the court is Plaintiff's motion to amend his complaint, filed on June 19, 2012. Plaintiff's opportunity to amend his complaint as a matter of course expired on May 3, 2012—twenty-one days after service of Defendant City of Jackson's answer to the original complaint. See Fed. R. Civ. P. 15(a)(1)(B). He may now amend his pleading "only with the opposing party's written consent or the court's leave," which should be "freely give[n] . . . when justice so requires." *Id.* 15(a)(2). As discussed at the scheduling conference held on June 26, 2012, the court finds Plaintiff's reasons for seeking to amend the complaint merit the extension of leave to amend, and the court will grant his motion. Consequently, because Defendant City of Jackson's pending motion to dismiss addresses the original complaint, it must be denied without prejudice. Accordingly,

IT IS ORDERED that Plaintiff's motion to amend the complaint [Dkt. # 25] is GRANTED. The amended complaint [Dkt. # 26] is now Plaintiff's operative pleading in this case.

IT IS FURTHER ORDERED that Defendant City of Jackson's motion to dismiss [Dkt. # 13] is DENIED WITHOUT PREJUDICE.

Finally, IT IS ORDERED that Defendants shall have until **July 24, 2012**, to respond to the amended complaint by filing an answer or a motion to dismiss under Federal Rule of Civil Procedure 12(b).

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 29, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 29, 2012, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522