

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

TRAVIS MAY,

Plaintiff,

Civil Action No. 15-10785

Honorable Arthur J. Tarnow

v.

Magistrate Judge Elizabeth A. Stafford

DANIEL HEYNS, et al.,

Defendants.

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**ORDER ALLOWING PLAINTIFF TO FILE AMENDED COMPLAINT**

On March 3, 2015, Travis May filed a complaint against Daniel Heyns and several other individuals vaguely asserting violations of his constitutional rights and stating that he “will follow-up with an amended complaint stating exact nature of each claim.” [R. 1, PgID 4]. May never filed an amended complaint and, on September 14, 2015, Defendants filed a motion to dismiss, after which the Honorable Arthur J. Tarnow referred this action to the undersigned to resolve all pretrial matters pursuant to [28 U.S.C. § 636\(b\)\(1\)\(A\) and \(B\)](#). [R. 21; R. 22]. In lieu of filing a response to Defendants’ motion to dismiss, May filed a motion to amend the complaint on October 2, 2015. [R. 23].

Under [Fed. R. Civ. P. 15\(a\)\(1\)\(B\)](#), May could have amended his complaint as of right within 21 days after Defendants served their motion to

dismiss, or until October 5, 2015. May, however, failed to attach an amended complaint to his motion or otherwise file an amended complaint by October 5.<sup>1</sup> Because May failed to attach an amended complaint to his motion to amend, the Court cannot determine whether the motion is justified.

May must file a proposed amended complaint by **October 16, 2015**. The Court will review the proposed amended complaint and determine how to proceed with the motion to amend and motion to dismiss.

**IT IS ORDERED.**

s/Elizabeth A. Stafford  
ELIZABETH A. STAFFORD  
United States Magistrate Judge

Dated: October 5, 2015

**NOTICE TO THE PARTIES REGARDING OBJECTIONS**

The parties' attention is drawn to [Fed. R. Civ. P. 72\(a\)](#), which provides a period of fourteen (14) days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under [28 U.S. C. §636\(b\)\(1\)](#). Unless ordered otherwise by the Court,

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<sup>1</sup> As a consequence, May's filing was in violation of E.D. Mich. LR 15.1, which mandates, "A party who moves to amend a pleading shall attach the proposed amended pleading to the motion." May is warned that, while maintaining an action in this Court, he must consult and follow the Federal Rules of Civil Procedure and this district's local rules.

the filing of an appeal to the District Judge does not stay the parties' obligations in this Order. See E.D. Mich. LR 72.2.

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 5, 2015.

s/Marlina Williams  
MARLENA WILLIAMS  
Case Manager