

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KEVIN THERIOT,

Plaintiff,

CASE NO. 5:12-CV-11629

v.

HONORABLE JOHN CORBETT O'MEARA

DURANO, et al.,

Defendants.

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**ORDER GRANTING MOTION TO AMEND THE COMPLAINT, BUT  
DENYING MOTIONS FOR SETTLEMENT AND TELEPHONE CONFERENCES**

Michigan prisoner Kevin Theriot ("Plaintiff") has filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983, which is currently pending for review. This matter is before the Court on Plaintiff's motion to amend the complaint, as well as his motions for settlement and telephone conferences. Plaintiff has submitted a proposed amended complaint with his motion to amend the complaint.

Under the Federal Rules of Civil Procedure, a party may amend his or her pleadings once as a matter of course within 21 days after serving it or within 21 days after service of a responsive pleading. *See* Fed. R. Civ. P. 15(a)(1). Since a responsive pleading has not yet been ordered or filed in this case, Plaintiff has the right to amend the complaint without seeking permission from the Court. Accordingly, the Court **GRANTS** Plaintiff's motion to amend and accepts his amended complaint for further review and consideration. The Court makes no determination as to the merits of the amended complaint at this time.

Additionally, because the Court must undertake a preliminary review of the amended complaint to determine whether summary dismissal or service of the complaint is warranted, Plaintiff's requests for a settlement conference and telephone conference are premature. Neither a settlement conference nor a telephone conference are necessary at this juncture of the proceedings. Accordingly, the Court **DENIES** Plaintiff's motions for settlement and telephone conferences.

**IT IS SO ORDERED.**

s/John Corbett O'Meara  
United States District Judge

Date: June 1, 2012

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, June 2, 2012, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager