

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHARLES WATKINS,

Plaintiff,

v.

CITY OF KALAMAZOO,

Defendant.

---

Case No. 1:15-cv-997

HON. ROBERT HOLMES BELL

**ORDER**

On October 1, 2015, Plaintiff Charles Watkins filed a *pro se* complaint in this Court, which named only the City of Kalamazoo as a Defendant. (ECF No. 1.) The City filed a motion to dismiss for improper service pursuant to Federal Rule of Civil Procedure 12(b)(5) and for failure to state a claim under Rule 12(b)(6). (ECF No. 5.) On April 19, 2016, United States Magistrate Judge Ray Kent issued a report and recommendation (R&R) (ECF No. 8), recommending that the complaint be dismissed. Subsequently, Plaintiff requested leave to amend his complaint. This Court noted that it agreed with the R&R, but allowed Plaintiff to amend his complaint within 30 days. Plaintiff has done so. Accordingly,

**IT IS HEREBY ORDERED** that Defendant's motion to dismiss (ECF No. 5) and the Report and Recommendation (ECF No. 8), which were based on Plaintiff's previous complaint, are **DENIED AS MOOT**.

Dated: July 11, 2016

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE