

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

JEFFREY K. DAVIS

PLAINTIFF

v.

CAUSE NO. 3:16CV300-LG-RHW

**UNITED STATES OF AMERICA MARSHAL
SERVICE, ET AL.**

DEFENDANTS

**ORDER GRANTING MOTION TO AMEND COMPLAINT,
LIFTING STAY, AND DENYING MOTION TO DISMISS AS MOOT**

THIS CAUSE comes before the Court for consideration of two motions: the [10] Motion to Dismiss for Lack of Jurisdiction filed by the United States Marshal Service, and the [26] Motion to Amend/Correct Complaint filed by Plaintiff Jeffrey Davis. After review of the documents, it is apparent that the proposed amended complaint aims to correct pleading deficiencies identified in the motion to dismiss. Because this case is in its early stages, and leave to amend should be freely given under Federal Rule of Civil Procedure 15(a), it is the Court's opinion that the plaintiff's request to file an amended complaint should be granted. Adjudication of a motion to dismiss addressing the allegations of the original complaint would serve no purpose, and accordingly the motion to dismiss will be denied as moot. The stay that was imposed by Order dated May 8, 2017 (ECF No. 12) will be lifted, as there is no longer a motion challenging the Court's subject-matter jurisdiction.

IT IS THEREFORE ORDERED AND ADJUDGED that the [10] Motion to Dismiss for Lack of Jurisdiction is **DENIED AS MOOT**.

IT IS FURTHER ORDERED AND ADJUDGED that the [26] Motion to Amend/Correct Complaint is **GRANTED**. Plaintiff shall promptly file an amended

complaint in the form of the proposed amended complaint attached as an exhibit to his Motion.

IT IS FURTHER ORDERED AND ADJUDGED that the stay previously imposed by Order dated May 8, 2017, is **LIFTED**.

SO ORDERED AND ADJUDGED this the 26th day of September 2017.

s\ *Louis Guirola, Jr.*

Louis Guirola, Jr.
Chief U.S. District Judge