

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EDWARDS TERRY,

Petitioner(s),

v.

PAMELA CLARK, et al.,

Respondent(s).

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No. 4:16-CV-00331-ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff's Response to Defendants' Answer [ECF No. 36] and Defendants' Motion for Leave to File Amended Answer [ECF No. 39]. Plaintiff asks the Court to strike Defendants' answer as untimely. Plaintiff filed his amended complaint on April 4, 2016. Defendants waived service of process on April 22, 2016. The Court granted Defendants an extension of time to file a responsive pleading to June 21, 2016. On that date, Defendants filed a Motion to Dismiss, which was denied on August 4, 2016. Pursuant to Federal Rule of Civil Procedure 12(a)(4)(A), Defendants were required to file an answer within fourteen days of the Court's decision on the Motion to Dismiss. Defendants filed their answer on August 17, 2016, which is within the fourteen day time period permitted by the Federal Rules of Civil Procedure. Therefore, Defendants' answer was timely.

Defendants request the Court grant leave to file an Amended Answer. The Court has received no objection from Plaintiff. Therefore, the Court will grant Defendants leave to file their Amended Answer.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Response to Defendants' Answer [ECF No. 36] is **DENIED**.

IT IS FURTHER ORDERED that Defendants' Motion for Leave to File Amended Answer [ECF No. 39] is **GRANTED**.

Dated this 26th day of October, 2016.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE