

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

<p>HILDA LOPEZ, et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>IOAN DASCAL,</p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>7:09CV5003</p> <p>ORDER</p>
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This matter is before the court *sua sponte*.

On December 30, 2009, the plaintiffs filed a Second Amended Complaint ([Filing No. 24](#)). The plaintiffs filed the Second Amended Complaint without leave of court or a motion seeking leave of court. Additionally, there is no evidence in the record the plaintiffs obtained written consent from the opposing party. Moreover, the plaintiffs' amended complaint appears as a voluntary dismissal of certain plaintiffs and their claims. Finally, the plaintiffs filed the Second Amended Complaint outside the August 7, 2009, deadline for filing motions to amend. **See** [Filing No. 15](#) - Initial Progression Order. For these reasons, the plaintiffs' filing is in violation of both the local and federal civil rules of procedure. **See** [NECivR 15.1](#); [Fed. R. Civ. P. 15\(a\)](#), [16\(b\)](#), and [41](#). Failure to comply with these rules may result in the court striking the plaintiffs' Second Amended Complaint. The court will allow the plaintiffs a brief period to either comply with rules of procedure or otherwise show cause why the amended complaint should not be stricken. Accordingly,

IT IS ORDERED:

The plaintiffs shall have to **on or before January 15, 2010**, to show cause why the Second Amended Complaint should not be stricken.

DATED this 4th day of January, 2010.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge