



allowing amendment of the Motion to Dismiss because the defenses set forth in the August 30, 2007 Motion to Dismiss and corresponding brief, are identical to those which would have been presented had the City been properly included on the caption.

For good cause shown, the court will grant Defendants leave to amend the August 30, 2007 Motion to Dismiss. Accordingly, the court accepts for filing the Amended Motion to Dismiss (filing no. 39) and supporting brief (filing no. 40). These documents will supercede the August 30, 2007 Motion to Dismiss (filing no. 31) and corresponding brief (filing no. 32.)

IT IS THEREFORE ORDERED that:

1. Defendants' Motion for Leave to File Amended Motion to Dismiss (filing no. 39) is granted.

2. The Clerk of the court is directed to terminate Defendants' original Motion to Dismiss (filing no. 31) and send Plaintiff a copy of this order, the Amended Motion to Dismiss (filing no. 39), and the corresponding brief (filing no. 40) at his current address of record.

3. Plaintiff shall have 20 days after the receipt of the Amended Motion to Dismiss (filing no. 39) and the accompanying brief (filing no. 40) to file a response to the Amended Motion to Dismiss, and Defendants shall have five (5) business days after Plaintiff has filed his response to file a reply, if desired.

4. The Clerk of the court is directed to set a pro se case management deadline using the following text: March 7, 2008 Motion to Dismiss (filing no. 39) ripe for disposition upon receipt of Defendants' reply.

February 6, 2008.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge