

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

ALEXANDER W. OPPENHEIM, et)	
al.,)	
)	
Plaintiff,)	8:11CV437
)	
v.)	
)	
KEITH M. LAMPERT,)	MEMORANDUM AND ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on plaintiff's motion to amend (Filing No. 5). [Rule 15\(a\) of the Federal Rules of Civil Procedure](#) provides that courts should freely give a party leave to amend when justice so requires. The applicable standard is summarized in [Foman v. Davis, 371 U.S. 178, 182 \(1962\)](#), which states:

If the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claims on the merits. In the absence of any apparent reason -- such as undue delay, bad faith or dilatory motive on the part of the movant, . . . undue prejudice to the opposing party by virtue of the allowance of the amendment, futility of amendment, etc. -- the leave sought should, as the rules require, be freely given.

[Id.](#) (internal quotations omitted). Although summons has been returned executed upon defendant, defendant has not yet responded. Moreover, plaintiff only seeks to amend the

complaint to cite "additional case law" and correct "grammatical errors." (Filing No. 5 at CM/ECF p. 1.) Plaintiff's motion to amend will be granted. Accordingly,

IT IS ORDERED that plaintiff's motion to amend (Filing No. 5) is granted. Plaintiff shall file his amended complaint on or before January 17, 2012.

DATED this 10th day of January, 2012.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

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