IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

VIOLET GOODWIN,	
Plaintiff,	8:16CV458
vs.	ORDER
TIMOTHY DUNNING,	312 <u>21</u> 1
Defendant.	

This matter is before the Court on Defendant's Motion to Strike Amended Complaint. (Filing No. 28.) The motion will be granted.

Plaintiff filed an Amended Complaint on August 21, 2017 (Filing No. 27). Federal Rule of Civil Procedure 15 provides that a party may amend its pleading as a matter of course once within 21 days after serving it, or "if the pleading is one to which a responsive pleading is required, 21 days after service if a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15. "In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave." Id. Plaintiff is far past the deadline to amend her Complaint as a matter of course under Rule 15. Plaintiff's original Complaint was filed on October 7, 2016 (Filing No. 1), and Defendant submitted his Answer on February 2, 2017. Plaintiff did not seek leave to file the Amended Complaint, nor did she obtain Defendant's consent. Therefore, Plaintiff's Amended Complaint (Filing No. 27) will be stricken from the record.

Accordingly,

IT IS ORDERED that Defendant's Motion to Strike Amended Complaint (Filing No. 28) is granted. The Clerk of Court is directed to strike Plaintiff's Amended Complaint (Filing No. 27). The Clerk is further directed to mail a copy of this Order to Plaintiff at her address of record.

Dated this 29th day of August, 2017.

BY THE COURT:

s/ Susan M. Bazis United States Magistrate Judge