

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

	* * *	
LEON SHIELDS,	)	
	)	
Plaintiff,	)	
	)	2:11-cv-02093-PMP -VCF
v.	)	
	)	<b>ORDER</b>
AIRBORNE VETERANS SERVICES, <i>et al.</i> ,	)	
	)	
Defendant.	)	
	)	

Before the court is *pro se* plaintiff Leon Shields’ Motion To Amend Complaint. (#7).

**Background**

On January 20, 2012, the court granted *pro se* plaintiff Shields’ motion/application to proceed *in forma pauperis* (#1), and ordered the clerk to file the complaint and the Marshals to serve the defendants. (#4). On the same day, summons were issued as to defendants Airborne Veterans Services, Freda Brazier, Brenda Wise, and Kevin Wise. (#6). On February 7, 2012, plaintiff Shields filed the instant motion to amend his complaint (#7), and provided the court with a proposed amended complaint (#7-1).

**Motion To Amend**

Pursuant to Federal Rule of Civil Procedure 15, “[a] party may amend its pleading once as a matter of course within 21 days after serving it, or if the pleading is one to which a responsive pleading is required, 21 days after service of 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(a)(1)(A) and (B). Defendants have not yet filed an answer to the original complaint, and plaintiff Shields filed the instant motion (#7) on February 7, 2012. Thus, plaintiff Shields may amend his complaint “as a matter of course,” without seeking leave of the court. *Id.*

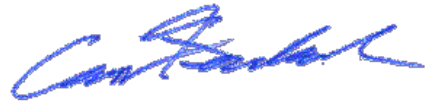
Accordingly, and for good cause shown,

1 IT IS ORDERED that *pro se* plaintiff Leon Shields' Motion To Amend Complaint (#7) is  
2 DENIED as moot.

3 IT IS FURTHER ORDERED that Clerk of the Court shall file the Amended Complaint (#7-1)  
4 under seal pursuant to Special Order No. 108., issue summons to the defendants named in the Amended  
5 Complaint, deliver the same to the U.S. Marshal for service, and send blank copies of the USM-285  
6 forms to the plaintiff.

7 IT IS FURTHER ORDERED that the plaintiff shall have twenty (20) days to furnish to the U.S.  
8 Marshal the required USM-285 forms. Within twenty (20) days after plaintiff receives copies of the  
9 completed USM-285 forms from the U.S. Marshal, plaintiff must file a notice with the court identifying  
10 which defendants were served and which were not served, if any. If the plaintiff wishes to have the U.S.  
11 Marshal attempt service again on any unserved defendants, then a motion must be filed with the court  
12 identifying the unserved defendants, specifying a more detailed name and address, and indicating  
13 whether some other manner of service should be used. Pursuant to the Federal Rules of Civil Procedure  
14 Rule 4(m), service must be accomplished within one hundred twenty (120) days from the date that the  
15 amended complaint was filed.

16 DATED this 17th day of February, 2012.



17  
18 **CAM FERENBACH**  
19 **UNITED STATES MAGISTRATE JUDGE**