UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ERVIN MIDDLETON,

Plaintiff,

vs.

OMELY TELECOM CORP.,

Defendant.

Case No. 2:16-cv-01369-APG-GWF

ORDER

This matter is before the Court on Plaintiff's First Amended Complaint (ECF No. 8), filed on September 5, 2017.

On June 16, 2016, Plaintiff filed his Application for Leave to Proceed *In Forma Pauperis*. ECF No. 1. The Court granted Plaintiff's Application and screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915(a). ECF No. 2. The Court found that Plaintiff sufficiently pled a claim under the Telephone Consumer Protection Act against Defendant Omely Telecom Corp and instructed the Clerk of the Court to file the complaint, issue summons to Defendant, and deliver the summons to the U.S. Marshal for service. On September 5, 2017, Plaintiff filed his first amended complaint without leave of court. He added new parties including an additional plaintiff and ten additional defendants. Plaintiff further alleged additional claims in his first amended complaint. The new parties and additional claims are unrelated to the allegations that the Court screened in Plaintiff's complaint. On September 15, 2017 and September 18, 2017, Plaintiff filed Erratas (ECF Nos. 16, 17) to his amended complaint.

Fed. R. Civ. P. 15(a) provides that after the time for amendment as a matter of course has expired, a party may amend its complaint only by leave of court or by the adverse party's written

consent. Plaintiff filed his first amended complaint without leave of court as required under Fed. R. Civ. P. 15 and it, therefore, has no legal effect. *Ritzer v. Gerovicap Pharm. Corp.*, 162 F.R.D. 642, 644 (D. Nev. 1995). The Court orders, *sua sponte*, that Plaintiff's first amended complaint, the corresponding summons, and erratas to the amended complaint be stricken for failure to comply with Rule 15(a). All parties other than Plaintiff Ervin Middleton and Defendant Omely Telecom Corp. shall be removed from the CM/ECF service list. This order is without prejudice to Plaintiff obtaining proper leave of court to file an amended complaint, if he desires to do so. Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall strike Plaintiff's First Amended Complaint (ECF No. 8) and the corresponding summons (ECF Nos. 9, 10, 13, 14, 15, 18).

IT IS FURTHER ORDERED that the Clerk of Court shall strike Plaintiff's Erratas (ECF Nos. 16, 17).

DATED this 19th day of September, 2017.

George Foley Jr.

GEORGE FOLEY, JR.
United States Magistrate Judge