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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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PATRICIA G. BARNES,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security

Defendant.

Case No. 3:18-cv-00199-MMD-WGC

ORDER

Before the Court are Defendant's motion to dismiss (ECF No. 30) and Plaintiff's motion to file an amended complaint (ECF Nos 34, 37).

Fed. R. Civ. P. 15(a)(2) provides that beyond amendment as a matter of course, "a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." Here, Defendant has informed the Court that she does not oppose Plaintiff's motion to file an amended complaint. (ECF No. 37 at 1.) Further, there is no indication that amendment would not be in the interest of justice or would be futile. *See, e.g., Foman v. Davis*, 371 U.S. 178, 182 (1962) (providing factors for denying an amendment).

It is therefore ordered that Plaintiff's motion to file an amended complaint (ECF No. 34) is granted. Plaintiff has thirty (30) days from the date of this order to amend the complaint, which must be entitled anew "First Amended Complaint." The First Amended Complaint must be a complete document in and of itself and will supersede the original complaint in its entirety. Any allegations, parties, or requests for relief from prior papers

1 that are not carried forward in the First Amended Complaint will no longer be before the  
2 Court. Failure to amend the original complaint within the prescribed timeframe may result  
3 in dismissal of Plaintiff's lawsuit.

4 It is further ordered that Defendant's motion to dismiss (ECF No. 30) is denied as  
5 moot.

6 DATED THIS 4<sup>th</sup> day of October 2018.

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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE

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