

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT DEREK LURCH, JR.,	:	
	:	
Plaintiff,	:	23-CV-5249 (JHR) (OTW)
	:	
-against-	:	<b><u>ORDER</u></b>
	:	
THE CITY OF NEW YORK, et al.,	:	
	:	
Defendants.	:	
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**ONA T. WANG, United States Magistrate Judge:**

The Court is in receipt of ECF 106. The Court construes ECF 106 as a notice of motion for leave to amend the complaint, as directed by the Court in its Order of September 10, 2024. (ECF 102).

The amended complaint has been proposed well after the 21-day time-period for an amendment as of right under Fed. R. Civ. P. 15(a)(1). If Plaintiff wishes the proposed amended complaint (ECF 106 at 2–13) to become the operative complaint in this action under Fed. R. Civ. P. 15(a)(2), he must file a motion, including a memorandum of law, explaining **whether good cause exists such that the Court should permit him to file an amended pleading that is substantially out of time.** See Fed. R. Civ. P. 16(b); *Parker v. Columbia Pictures Indus.*, 204 F.3d 326, 340 (2d Cir. 2000) (“[D]espite the lenient standard of Rule 15(a), a district court does not abuse its discretion in denying leave to amend the pleadings after the deadline set in the scheduling order where the moving party has failed to establish **good cause.**” (emphasis added)).

If Plaintiff wishes to file a motion for leave to amend the complaint, the following briefing schedule will apply:

- Plaintiff will file a motion, including a memorandum of law, by **October 24, 2024**.
- Defendants' opposition, if any, will be due **November 7, 2024**.
- Plaintiff's reply will be due **November 21, 2024**.

Defendants are further directed to serve a copy of this Order on *pro se* Plaintiff, and file proof of same on the docket.

**SO ORDERED.**

Dated: New York, New York  
September 24, 2024

*/s/ Ona T. Wang*

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**Ona T. Wang**  
United States Magistrate Judge