

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO.: 3:14-CV-442**

**RONALD K. THOMAS,**

**Plaintiff,**

**v.**

**MCLEOD ADDICTIVE DISEASE CENTER,  
INC.,**

**Defendant.**

**ORDER**

**THIS MATTER** is before the Court on Plaintiff Ronald Thomas's Pro Se Motion to Amend Complaint (Doc. No. 10). Pursuant to Federal Rule of Civil Procedure 15, a party may amend its pleading once as a matter of course within twenty-one days after serving it, or within twenty-one days after service of a responsive pleading or a motion under Rule 12(b), (e), or (f). FED. R. CIV. P. 15(a). Plaintiff has not previously amended his Complaint, and his motion comes within twenty-one days after service of Defendant's Motion to Dismiss pursuant to FRCP 12(b)(1) and (6). Therefore, Plaintiff need not seek leave of the Court to file his amended complaint.

**IT IS THEREFORE ORDERED** that Plaintiff's motion for leave to file an amended complaint (Doc. No. 10) is **GRANTED**. Plaintiff is given leave to file the proposed amended complaint attached to his Motion, which complaint should be filed within fourteen (14) days of the date of this order.

**IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss (Doc. No. 7) is **DENIED** as **MOOT**. Defendant is free to file a new motion if it wishes after the amended complaint has been filed.

The Clerk of Court is directed to send a copy of this order to Plaintiff.

**SO ORDERED.**

Signed: February 6, 2015

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

