

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Thomas H. Bray,)
)
Plaintiff,)

vs.)

Bank of America, MERS, Inc., Country)
Wide Home Loans,)

Defendants;)

MERS, as a nominee of America's Home)
Loans, LLC, its successors and assigns,)
including Bank of America, and)
Countrywide Homes Loans,)

Counter Claimants,)

vs.)

Thomas H. Bray, individually and as)
alleged Trustee of Multigrain CPT a/k/a)
Multigrains CPT, Michael D. Harris,)
Trustee of Bray 10 Family Trust,)
Ken Campbell a/k/a Kenneth Campbell,)
Sharenda Bray/Wiebe; Devin Bray,)
Portfolio Recovery Associates,)

Counter Defendants.)

**ORDER TO STRIKE UNAUTHORIZED
AMENDED PLEADING**

Case No. 1:09-cv-075

On August 27, 2010, plaintiff filed a document captioned "Amended Answer in Verified Affidavit or Specific Negative Averment, Opportunity to Cure, and Counterclaim."

Rule 15 of the Federal Rules of Civil Procedure provides in relevant part that "a party may amend the party's pleading **only by leave of court or by written consent of the adverse party**; and leave shall be freely given when justice so requires." Fed. R. Civ. P. 15(a) (emphasis added).

Plaintiff has not sought leave of court to amend his answer or otherwise moved to join additional parties as required by the rules of procedure. Consequently, the court does not construe the document captioned “Amended Answer in Verified Affidavit or Specific Negative Averment, Opportunity to Cure, and Counterclaim” as an operative pleading and **ORDERS** that it be stricken from the record. Plaintiff is further advised, absent an approved amendment, that all of his future filings contain the caption set forth above or a properly abbreviated form. In particular, there is no separate “admiralty action.”

IT IS SO ORDERED.

Dated this 27th day of August, 2010.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge