

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MARK BROOKS,

Plaintiff,

:

Case No. 3:09-cv-375

-vs-

District Judge Timothy S. Black
Magistrate Judge Michael R. Merz

:

NATIONAL CITY MORTGAGE, et al.,

Defendants.

ORDER STRIKING SECOND AMENDED COMPLAINT

This case is before the Court on Plaintiff's filing a Second Amended Complaint (Doc. No. 31). Under Fed. R. Civ. P. 15, a party may amend a pleading once as a matter of course, but thereafter requires the consent of opposing parties or leave of court. In this case no consent is required from Defendants Heather Blanton, Mark Rudisill, or Stephanie Rudisill because they have been dismissed on Notice with consent (Doc. No. 30). However National City Mortgage and Dave Schlegal remain Defendants and there is no indication they have consented. No leave of court to amend was sought or received. Accordingly, the Second Amended Complaint is stricken.

Plaintiff is reminded that his response to the pending Motion to Dismiss (Doc. No. 28) is due not later than July 5, 2011.

June 30, 2011.

s/ **Michael R. Merz**
United States Magistrate Judge