

file her Second Amended Complaint on June 9, 2010. *Docket No. 36*. All defendants opposed McPeters's motion to amend. *See id.*

On June 9, 2010, the Court set a hearing on McPeters's motion to amend for June 18, 2010, requesting responses to the motion to amend on or before June 16, 2010. *Docket No. 38*. Defendants Montgomery County, Texas and Barbara Gladden Adamick (collectively "Montgomery County") filed a response on June 13, 2010. *Docket No. 40*. Defendant Reed Elsevier, Inc. ("Reed Elsevier") filed a response on June 16, 2010. *Docket No. 42*.

Adoption and Joinder in Defendants' Responses

Judge Edwards adopts, joins in, and incorporates by reference as if fully set forth herein the responses to McPeters's motion to amend filed by Montgomery County and Reed Elsevier. *Docket Nos. 40, 42*. As both Montgomery County and Reed Elsevier pointed out in their motions, McPeters is entitled to amend her pleadings only once as a matter of course without seeking consent or approval. *See id.*; *see also* FED. R. CIV. P. 15(a). She did not seek consent or approval prior to filing her Second Amended Complaint. *See, e.g., Docket No. 19*. For this and for all of the other reasons set forth in the responses filed by Montgomery County and Reed Elsevier, Judge Edwards requests the Court to deny McPeters's untimely motion to amend. Further, because McPeters filed her Second Amended Complaint without leave or consent, Judge Edwards requests the Court to strike the Second Amended Complaint and reinstate the First Amended Complaint as McPeters's live pleading. *See Docket Nos. 11, 19*.

CERTIFICATE OF SERVICE

I hereby certify that on Wednesday June 16, 2010, a true and correct copy of the foregoing instrument was forwarded via electronic delivery pursuant to local rules, *to-wit*:

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