IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

PAUL CHANCE KINNISON,	§	
	§	
Plaintiff,	8	
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V.	§	Civil Action No. SA-08-CV-421-XR
	§	
CITY OF SAN ANTONIO, J. BARRY	§	
ARCHER, individually and in his official	§	
capacity as Development Services Director	§	
for the City of San Antonio, MIKE	§	
CONSTANTINO, individually and in his	§	
official capacity as Development Services	§	
Manager for the City of San Antonio, and	§	
REYES HERNANDEZ, individually and in	§	
his official capacity as Supervisor of the	§	
Dangerous Premises Department of the City	§	
of San Antonio's Department of Code	§	
Compliance,	§	
	§	
Defendants.	§	

ORDER ON MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

On this day, the Court considered Plaintiff's Amended Motion for Leave to File an Amended Complaint (Docket Entry No. 78). On November 23, 2009, the Court denied Plaintiff's motion for leave to amend his complaint in which Plaintiff did not address any of the elements to establish good cause at this stage of the proceeding to amend the complaint. (Order on Mot. to Amend Compl. (Nov. 23, 2009) [Docket Entry No. 77].) Plaintiff then filed an amended motion in an attempt to address the deficiencies in the previous motion. (*See* 1st Am. Mot. for Leave to Am. Pet. or Mot. to Reconsider the Court's Ruling of Nov. 23rd, 2009) (Nov. 30, 2009) [Docket Entry No. 78].) The Court hereby STRIKES Plaintiff's motion for failure to comply with the rules of the Court. Pursuant

to Local Rule CV-7(h):

The Court may refuse to hear or may deny a nondispositive motion unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good-faith attempt to resolve the matter by agreement and, further, certifies the specific reason(s) that no agreement could be made. . . .

L.R. CV-7(h) (W.D. Tex.). This differs from a Certificate of Service. *See* L.R. CV-5(b). Plaintiff does not indicate via the body of the motion or a certificate of conference that counsel has contacted Defendants' counsel regarding this matter. Local Rule CV-7(h) is particularly important at this stage of the proceeding where leave could be granted immediately by the Court with some indication that the parties had conferred on the matter and reached an agreement. The Court hereby STRIKES Plaintiff's motion for failure to comply with the Local Rules of the Western District of Texas.

It is so ORDERED.

SIGNED this 1st day of December, 2009.

XAVIER RODRIGUEZ

UNITED STATES DISTRICT JUDGE