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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

BRADY EAMES, Plaintiff, v. UNITED STATES OF AMERICA, Defendant.	MEMORANDUM DECISION Case No. 1:13-cv-00040-DBP Magistrate Judge Dustin B. Pead

I. INTRODUCTION

This matter is pending consent before the Court. (Docket No. 8.) On February 22, 2013, Plaintiff filed his original complaint against Defendant. (Dkt. No. 1.) On May 15, 2013, Plaintiff amended his complaint once as a matter of course. (Dkt. No. 2.)

The Court considers Plaintiff's motion to again amend his complaint (Dkt. No. 5), and Defendant's motion for an extension of time to answer the complaint on file (Dkt. No. 6). For the reasons below, the Court **GRANTS** Plaintiff's motion, and finds Defendant's motion **MOOT**.

II. PLAINTIFF'S MOTION TO AMEND COMPLAINT

On May 30, 2013, Plaintiff moved to file a second amended complaint. (Dkt. No. 5.) Defendant's time to respond to this motion expired on June 14, 2013. *See* DUCivR 7-1(b)(3)(B) ("A memorandum opposing any motion . . . must be filed within fourteen (14) days after service of the motion . . . ."). Because Defendant has not responded to Plaintiff's motion to amend his

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complaint, the Court **GRANTS** it. (Dkt. No. 5.) *See* DUCivR 7-1(d) ("Failure to respond timely to a motion may result in the court's granting the motion without further notice.").

III. DEFENDANT'S MOTION FOR EXTENSION

Because the Court grants Plaintiff's motion to file a second amended complaint, the Court deems **MOOT** Defendant's motion for an extension of time to answer the first amended complaint. (Dkt. No. 6.)

IV. ORDERS

For the reasons above, the Court issues the following **ORDERS**:

The Court **GRANTS** Plaintiff's motion to amend his complaint. (Dkt. No. 5.) The Court **ORDERS** Plaintiff to file his second amended complaint no later than **July 12, 2013**. Defendant must answer or otherwise respond to Plaintiff's second amended complaint no later than **sixty (60) days** from the date Plaintiff files it.

The Court deems **MOOT** Defendant's motion for an extension of time to answer the first amended complaint. (Dkt. No. 6.)

Dated this 25th day of June, 2013.

By the Court:

Dustin B. Pead
United States Magistrate Judge