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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

THOMAS WILLIAM SINCLAIR  
RICHEY,

Plaintiff,

v.

DENNIS THAUT,

Defendant.

NO. C11-5680 RBL/KLS

ORDER GRANTING MOTION TO  
AMEND

Before the Court is Plaintiff’s Motion to Amend Complaint. ECF No. 9. Pursuant to Rule 15(a)(1) of the Federal Rules of Civil Procedure, “[a] party may amend its pleading once as a matter of course within (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e) or (f), whichever is earlier.” Otherwise, the party “may amend the party’s pleading with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2).

In his original complaint, Plaintiff named Dennis Thaut as defendant. ECF No. 5. The Court directed service of the complaint on Mr. Thaut, but the mail was returned as undeliverable, marked “Return to Sender, No Such Person at This Facility. ECF No. 7. The Court directed Plaintiff to provide a current address for Mr. Thaut so that service might again

1 be attempted. ECF No. 8. On October 26, 2011, the Clerk received from Plaintiff a marshal's  
2 form for service on a Douglas Thaut and on the same day, Plaintiff filed his motion to amend  
3 to change the name of the defendant from Dennis Thaut to Douglas Thaut. ECF No. 9.  
4 Plaintiff states that he was in error as to Mr. Thaut's first name. *Id.*

5 Accordingly, it is **ORDERED**:

6 (1) Plaintiff's Motion to Amend (ECF No. 9) is **GRANTED**.

7 (2) The Clerk shall change the name of the Defendant from "Dennis Thaut" to  
8 "Douglas Thaut" in the caption of this case.

9 (3) The Clerk shall send a copy of this Order to Plaintiff.

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12 **DATED** this 3rd day of November, 2011.

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15 Karen L. Strombom  
16 Karen L. Strombom  
17 United States Magistrate Judge  
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