

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

XUEJUN MAKHSOUS,

Plaintiff,

v.

Case No. 18-C-587

WISCONSIN DEPARTMENT OF
HEALTH SERVICES, et al.,

Defendants.

DECISION AND ORDER

On April 13, 2018, Plaintiff Xuejun Makhsous, who is currently representing herself, filed this action against Defendants Wisconsin Department of Health Services, Marinette County, Robin Elsner, Pam Daye, Colleen Rohde, Michelle Steffen, Kathy Lyons, Cari Gast, Phyllis Witter, Alfred Johnson, Care Wisconsin, and Lakeland Care District. Defendants Lakeland Care District and Care Wisconsin filed motions to dismiss on May 14, 2018. Rather than file a response to these motions, Makhsous filed an amended complaint. Within the amended complaint, Makhsous requests leave to amend, indicating that she no longer wishes to pursue claims against the other defendants and has amended her complaint to include only claims against Wisconsin Department of Health Services.

Under Rule 15(a) of the Federal Rules of Civil Procedure, leave to amend should be “freely given when justice so requires,” absent considerations such as “undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, and futility of amendment.” *Id.* Given Rule 15's liberal amendment policy, the court will grant Makhsous’

request to file an amended complaint, rendering the motions to dismiss moot. *See, e.g., Lim v. Central DuPage Hosp.*, 972 F.2d 758, 762 (7th Cir. 1992) (noting trial judge's denial of pending motion to dismiss as moot in light of amended complaint).

IT IS THEREFORE ORDERED that Makhsous' request to amend the complaint is **GRANTED**. The Clerk is directed to docket the proposed complaint as an amended complaint.

IT IS FURTHER ORDERED that Lakeland Care District and Care Wisconsin's motions to dismiss (ECF Nos. 9, 14) are **DENIED as moot**.

Dated this 26th day of June, 2018.

s/ William C. Griesbach

William C. Griesbach, Chief Judge
United States District Court