



## Corrigan v. City of Savage et al

2018 | Cited 0 times | D. Minnesota | September 13, 2018

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

John L. Corrigan, Jr., Plaintiff, v. City of Savage, et al.,

Defendants.

Civ. No. 18-2257 (ADM/BRT)

ORDER

The pro se Plaintiff, John L. Corrigan, Jr., initiated this action by filing a complaint on August 2, 2018. (Doc. No. 1, Compl.) Plaintiff filed an amended complaint on September 5, 2018, and then he filed another amended complaint on September 11, 2018. (Doc. Nos. 23, 30.) The Court struck the latter amendment as non-complaint with Federal Rule of Civil Procedure 15(a). (Doc. No. 31.) Plaintiff responded by filing a letter request for the Court to reconsider striking the second amended complaint. (Doc. No. 32.)

Rule 15(a) provides as follows: (a) Amendments Before Trial. (1) Amending as a Matter of Course. 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) or (f), whichever is earlier.

(2) Other Amendments. In all other cases, a party may amend its pleading only with the opposing party's consent or the court's leave. The court should freely grant leave when justice so requires. Plaintiff's first amended complaint, filed on September 5, was properly filed because a party may amend its pleading once as a matter of course with 21 days after service of a responsive pleading or Rule 12(b) motion. 1

The second amended complaint, filed on September 11, was not properly filed because a party may amend its pleading once as a matter of course, which Plaintiff had already done on September 5. Fed. R. Civ. P. 15(a)(1) (emphasis added). The second amended complaint was therefore correctly stricken.



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Plaintiff must file a motion for leave to amend or obtain the consent of the opposing parties if he wishes to amend his complaint for a second time. See Fed. R. Civ. P. 15(a)(2) ( In all other cases, a party may amend its pleading only with the opposing party s consent or the court s leave. ) (emphasis added). Plaintiff s motion to reconsider (Doc. No. 32) is DENIED.

Date: September 13, 2018

s/ Becky R. Thorson BECKY R. THORSON United States Magistrate Judge

1 One Defendant moved to dismiss on August 16, and answers were filed by other Defendants on August 23 and August 24. (See Doc. Nos. 7, 16, 20.)

