

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ELIZABETH NICKELL,

Plaintiff,

v.

Case No. 05-4146-JAR

STANTON COUNTY HOSPITAL,
et al.,

Defendants.

ORDER GRANTING PLAINTIFF'S MOTION TO AMEND COMPLAINT

This matter comes before the court upon plaintiff's Motion to File an Amended Complaint (Doc. 41). The court has contacted counsel for defendants who have indicated that defendants have no objection to plaintiff's motion.

Fed. R. Civ. P. 15(a) governs amendment of pleadings. Ordinarily, leave to amend will be freely granted absent a showing of undue delay, undue prejudice to the non-moving party as a result of the amendment, bad faith, or the futility of the amendment.¹ After careful consideration of these factors, the court fails to find any undue delay, prejudice, bad faith, or futility in granting plaintiff's motion.

Therefore, the court finds that plaintiff's Motion to File an Amended Complaint (Doc. 41) should be granted. Because plaintiff did not attach her amended complaint as a separate exhibit to her motion, the court shall direct plaintiff to file her amended complaint within seven (7) days from entry of this order.

¹ *Foman v. Davis*, 371 U.S. 178, 182 (1962). *See also, Stewart v. Bd. of Comm'rs for Shawnee County, Kan.*, 216 F.R.D. 662, 664 (D. Kan. 2003).

IT IS THEREFORE ORDERED that plaintiff's unopposed Motion to File an Amended Complaint (Doc. 41) is hereby granted.

IT IS FURTHER ORDERED that plaintiff shall file her amended complaint within seven (7) days from entry of this order, on or before **April 26, 2006**.

IT IS SO ORDERED.

Dated this 19th day of April, 2006, at Topeka, Kansas.

s/ K. Gary Sebelius
K. Gary Sebelius
U.S. Magistrate Judge