

GLR/byk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

SANDY CLARISSA SOMERS,

Plaintiff,

CIVIL ACTION

v.

No: 06-2099-CM-DJW

EARL BEARDSLEY, in his individual  
capacity, and HERBERT F. NYE, former  
Sheriff of Leavenworth County, Kansas, in his  
official capacity,

Defendants.

**ORDER**

This matter is before the Court on Plaintiff's Motion for Leave to Amend the Complaint (doc. 9) and Motion to Correct Caption in Plaintiff's Motion to Amend Complaint and Plaintiff's Amended Complaint (doc. 10). In her Motion for Leave to Amend the Complaint, Plaintiff seeks leave to amend the Complaint to substitute Thomas P. Wiles for Earl Beardsley as an individual defendant. The Motion to Correct Caption advises the Court that the case caption on the Motion for Leave to Amend the Complaint and proposed Amended Complaint are incorrect. Plaintiff requests an order allowing her to correct the caption of her Motion for Leave to Amend the Complaint and the proposed Amended Complaint. Counsel for Defendants has advised the Court that Defendants do not oppose either motion.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion to Correct Caption in Plaintiff's Motion to Amend Complaint and Plaintiff's Amended Complaint (doc. 10) is granted. The caption

in Plaintiff's Motion for Leave to Amend the Complaint (doc. 9) is hereby corrected by interlineation to reflect the case caption set forth in Plaintiff's Motion to Correct Caption (doc. 10).

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Leave to Amend the Complaint (doc. 9) is granted. **Within ten (10) days of the date of this Order**, Plaintiff shall electronically file her correctly captioned Amended Complaint, which is attached as an exhibit to her Motion to Correct Caption (doc. 10).

**IT IS FURTHER ORDERED** that Plaintiff shall have **thirty (30) days** from the date of filing of this Order to serve summons and her Amended Complaint on newly named Defendant Thomas P. Wiles.

Dated in Kansas City, Kansas on this 14<sup>th</sup> day of July, 2006.

s/ Gerald L. Rushfelt

Gerald L. Rushfelt  
United States Magistrate Judge

cc: All counsel and *pro se* parties