

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

MICHAEL GRAYSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 06-2375-KHV
	)	
STATE OF KANSAS, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On November 27, 2006, the court held a scheduling conference in this case at which time the court established December 27, 2006, as the deadline for the parties to file any motions to join additional parties or otherwise amend the pleadings (*see* doc. 9). The court record reflects that on December 21, 2006, plaintiff docketed a “Motion to Amend Complaint” (doc. 17). However, upon review, the document that was actually filed is not a motion, but rather is plaintiff's amended complaint.

Fed. R. Civ. P. 15(a) provides:

A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served . . . . Otherwise, a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.

Responsive pleadings have been filed in this case (docs. 5 and 6). Plaintiff's filing of an amended complaint on December 21, 2006 was without leave of court and is silent about any consent by defendants. The pleading, therefore, is stricken from the record.

However, plaintiff may have until **January 10, 2007** to file a motion for leave to amend his complaint.

Dated this 5th day of January, 2007, at Kansas City, Kansas.

s/ James P. O'Hara

James P. O'Hara

U.S. Magistrate Judge