

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

ADELA RINER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 06-4127-RDR
	)	
LARRY CLARK DeSHAZER,	)	
	)	
Defendant.	)	

**ORDER**

This matter comes before the court upon plaintiff's Motion to Amend Complaint (Doc. 11). Plaintiff filed this action *pro se* on November 7, 2006. On January 12, 2007 plaintiff's counsel filed his entry of appearance on plaintiff's behalf<sup>1</sup> and sought to amend the original complaint. The present motion indicates that counsel for the defendant does not oppose said motion. Plaintiff seeks to amend her complaint in order to name the proper defendant to "more properly outline her cause of action . . . ."<sup>2</sup>

Fed. R. Civ. P. 15 controls the procedure for amending the pleadings. Rule 15(a) states, in pertinent part, that after a responsive pleading: "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."<sup>3</sup> In considering whether to grant leave to amend, the court evaluates several factors including whether the amendment will cause undue delay or prejudice to the non-moving

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<sup>1</sup> (Doc. 10).

<sup>2</sup> See Motion to Amend Complaint (Doc. 11) at 2.

<sup>3</sup> Fed. R. Civ. P. 15(a).

party.<sup>4</sup> As defendant does not object to the present motion, the amendment should not cause defendant prejudice. Accordingly, and in the interest of justice,

IT IS THEREFORE ORDERED that plaintiff's Motion for Leave to Amend Complaint (Doc. 11) is granted. The court directs the Clerk to file Attachment 1 to Doc. 11 as plaintiff's First Amended Complaint.

IT IS SO ORDERED.

Dated this 16th day of January, 2007, at Topeka, Kansas.

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

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<sup>4</sup> *Little v. Reed-Prentice Div. Of Package Mach. Co.*, 131 F.R.D. 591, 593 (D. Kan. 1990) (citations omitted).