

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

PETER IRELAND, *et. al.*,

Plaintiffs,

v.

Case No. 07-4082-JAR

ROBERT DODSON, SR., *et. al.*,

Defendants.

ORDER

This matter comes before the court upon plaintiffs' Unopposed Motion for Leave to File First Amended Complaint (Doc. 29). Plaintiffs states in the motion that defendants do not oppose plaintiffs' motion. Therefore, the court deems this matter ripe for disposition.

Fed. R. Civ. P. 15 controls the procedure for amending the pleadings. Rule 15(a) states, in pertinent part that:

“[a] party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise a party may amend the party's pleading only by leave of court *or by written consent of the adverse party*[.]”¹

Here, plaintiffs' motion states that defendants do not oppose plaintiffs' motion. Therefore, the court finds that defendants have consented to amendment pursuant to Fed. R. Civ. P. 15(a) and that amendment is otherwise proper under the circumstances. Accordingly,

¹Fed. R. Civ. P. 15(a)(emphasis added).

IT IS THEREFORE ORDERED that plaintiffs' Unopposed Motion for Leave to File First Amended Complaint (Doc. 29) is hereby granted. The clerk's office is directed to file plaintiffs' First Amended Complaint, attached as Exhibit 2 to Doc. 29, as a separate document in the case.

IT IS SO ORDERED.

Dated this 4th day of September, 2007, at Topeka, Kansas.

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