

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

MAURICE L. MILES, JR.,)
)
Plaintiff,)
)
v.)
)
DEPUTY CONRAD, in his official)
capacity with Reno County Sheriff's)
Department; DEPUTY SWONGER,)
in his official capacity with Reno County)
Sheriff's Department; DEPUTY)
MONDRAGON, in his official capacity)
with Reno County Sheriff's Department;)
and DEPUTY CARDER, in his official)
capacity with Reno County Sheriff's)
Department;)
)
)
Defendants.)

Case No. 16-3152-EFM

ORDER

This matter comes before the court upon plaintiff's *pro se* Motion for Leave to File Amendment (ECF No. 58). For the following reasons, this motion is granted.

Plaintiff filed this motion on June 8, 2018. Defendants have failed to file a timely response. Local Rule 7.4(b) provides that “[a]bsent a showing of excusable neglect, a party or attorney who fails to file a responsive brief or memorandum within the time specified . . . waives the right to later file such brief or memorandum.”¹ The Local Rule also states that if a party fails to timely file a responsive brief, the court considers and decides the motion as uncontested, and will usually grant the motion without further notice.² Accordingly, the court grants plaintiff's motion.

¹ D. Kan. Rule 7.4(b).

² *Id.*

IT IS THEREFORE ORDERED that plaintiff's Motion for Leave to File Amendment (ECF No. 58) is hereby granted. The clerk is directed to file plaintiff's amended complaint. Defendants shall have twenty (20) days from the date of the filing of the amended complaint to answer or otherwise respond.

IT IS SO ORDERED.

Dated this 10th day of July, 2018, at Topeka, Kansas.

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