

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

GEORGE RAY SAWYERS,

Plaintiff,

v.

MO-KAN TEAMSTERS PENSION
PLAN and BOARD OF TRUSTEES OF
THE MO-KAN TEAMSTERS PENSION
PLAN,

Defendants.

Case No. 17-2346-JAR

ORDER

This matter comes before the court upon plaintiff's Motion for Leave to Amend First Amended Complaint (ECF No. 13). For the following reasons, this motion is granted.

Plaintiff filed this motion on December 11, 2017. 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.

IT IS THEREFORE ORDERED that plaintiff's Motion for Leave to Amend First Amended Complaint (ECF No. 13) is hereby granted. Plaintiff shall file his amended complaint by January 8, 2017.

¹ D. Kan. Rule 7.4(b).

² *Id.*

IT IS SO ORDERED.

Dated this 29th day of December, 2017, at Topeka, Kansas.

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