

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

DAISY MEADOWS, a/k/a ROY
TROST,

Plaintiff,

v.

HENRY ATENCIO; RONA
SIEGERT; HOWARD YORDY;
WALTER CAMPBELL; MARTIN
ALVISO; SUMMER ELDRIDGE;
DEFENDANT VALLEY; MARC
AIELLO; ADMINISTRATIVE
REVIEW COMMITTEE;
MANAGEMENT TREATMENT
COMMITTEE; DEFEDANT BLAIR;
DEFENDANT SANDERS; SHERIFF
WATSON; DEFENDANT TAYLOR;
DEFENDANT HAUGHN;
JENNIFER TYVAND;
DEFENDANT MARTIN; and
JEREMY CLARK,

Defendants.

Case No. 1:18-cv-00265-BLW

**ORDER ON MOTION FOR
LEAVE TO AMEND**

Pending before the Court is Plaintiff's Motion for Leave to Amend her complaint. (Dkt. 31.) Plaintiff failed to submit the proposed amended complaint at

the time she filed her motion to amend. *See id.* However, after Defendants filed their response pointing out the procedural shortcoming (Dkt. 32), Plaintiff subsequently filed the proposed amended complaint. (Dkt. 33.)

Federal Rule of Civil Procedure 15(a)(2) permits a party may amend a pleading with written consent of the opposing party or leave of court. The Rule states a court should “freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). District Local Civil Rule 15.1 requires a party who moves to amend a pleading to “describe the type of proposed amended pleading in the motion” and to “reproduce the entire pleading as amended.” Loc. Civ. Dist. R. 15.1. The rule requires also that the party submit the proposed amended pleading at the time of filing a motion to amend.

Considering Plaintiff’s status as a *pro se* litigant, and provided the policy of liberal amendment set in the Federal Rules of Civil Procedure, and to further the just, speedy, and inexpensive determination of this matter (Fed. R. Civ. P 1), the Court will consider Plaintiff’s motion for leave to amend, despite the procedural error in its filing. However, prior to reviewing Plaintiff’s proposed amended complaint, the Court will permit Defendants to file a response, including any objections thereto.

Defendants’ **response** to the proposed amended complaint must be filed within **fourteen (14) days of the date of this order**. The Clerk is hereby directed

to revise the response deadline to Plaintiff's Motion for Leave to Amend (Dkt. 31) to fourteen (14) days from the date of this Order. The Court will take up the motion without a reply.

IT IS SO ORDERED.



DATED: December 09, 2019

A handwritten signature in black ink, appearing to read "B. Lynn Winmill".

B. Lynn Winmill
United States District Judge