

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION  
LONDON

DEREC LOSTUTTER

Plaintiff,

v.

COMMONWEALTH OF KENTUCKY, et  
al.,

Defendants.

CIVIL ACTION NO. 6:18-277-KKC

ORDER

\*\*\* \*\*

On January 4, 2019, Plaintiff Deric Lostutter filed a Third Amended Complaint in compliance with Fed R. Civ. P. 15(a)(2). Accordingly, Plaintiff's pending motion for leave to file the proposed Third Amended Complaint **is hereby DENIED as moot.**

It is further ordered that Plaintiffs **SHALL file** any Fourth Amended Complaint on or before February 4, 2019 if Defendants give their consent, or, in the alternative, **SHALL seek leave of this Court** to file a Fourth Amended Complaint on or before February 4, 2019.

The Commonwealth of Kentucky's pending motion to dismiss **is hereby DENIED as moot without prejudice.**

Finally, the parties have moved for an extension of Defendant's time to respond to any operative complaint. The Court **hereby GRANTS this Motion.** Good cause having

been shown, pursuant to Fed. R. Civ. P. 6(b), any Defendant in this action **SHALL file a response** to any amended complaint within **forty-five (45) days** of when that amended complaint becomes operative.

Dated January 7, 2019.



A handwritten signature in cursive script that reads "Karen K. Caldwell".

KAREN K. CALDWELL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY