

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States District Court
Southern District of Texas

ENTERED

September 20, 2022

Nathan Ochsner, Clerk

CURTIS ALLEN GAMBILL, *et al.*,

Plaintiffs,

v.

BRYAN COLLIER, *et al.*,

Defendants.

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CIVIL ACTION NO. H-21-1076

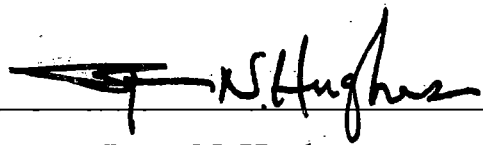
Order Striking Amended Complaint

The plaintiffs are inmates in the Texas Department of Criminal Justice. They filed a complaint alleging violations of their civil rights. The defendants moved to dismiss on July 14, 2022. The plaintiffs filed an amended complaint on September 2, 2022.

Rule 15(a)(1) of the Federal Rules of Civil Procedure allows a party to amend a pleading once as a matter of course within 21 days after serving the pleading or, if the pleading requires a responsive pleading, within 21 days after service of the responsive pleading or of a motion to dismiss under Rule 12(b), (e), or (f). After that time, a pleading may be amended only with the written consent of the opposing party or by leave of the court. Fed. R. Civ. P. 15(a)(2).

The plaintiffs' amended complaint was filed 50 days after the defendants' motion to dismiss. It does not state that the plaintiffs have received the consent of

the defendants to amend their complaint, and the docket does not reflect that the plaintiffs have requested leave of the court to amend. The amendment is impermissible under Rule 15, and the Amended Complaint (63) is stricken.

A handwritten signature in black ink, appearing to read "L. N. Hughes", is written over a horizontal line.

Lynn N. Hughes
United States District Judge

Houston, Texas
September 19, 2022