

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CHRISTOPHER ROLLER,

CIVIL No. 05-1420 RHK/AJB

PLAINTIFF,

**ORDER ON PLAINTIFF'S MOTION
TO AMEND THE COMPLAINT**

v.

SIoux VALLEY HOSPITALS AND HEALTH SYSTEMS,

DEFENDANT.

This matter is before the court on Plaintiff Christopher Roller's Motion for Leave to Amend the Complaint to correctly identify the defendant. Roller identified the defendant in his original complaint as Sioux Valley Hospitals and Health System. The correct name of the defendant is Sioux Valley Hospital. Under the Federal Rules of Civil Procedure, "[a] party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served." Fed. R. Civ. P. 15(a). "Otherwise, a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires." *Id.* This liberal policy gives the plaintiff the opportunity to have his claims addressed on the merits. *Estle v. Country Mut. Ins. Co.*, 970 F.2d 476, 480 (8th Cir. 1992). "[O]nly limited circumstances justify a district court's refusal to grant leave to amend pleadings." *Id.*

Roller has amended his complaint once as a matter of course. Thus, in order to amend his complaint a second time, he must be granted leave from the court. Here, the requested modification merely seeks to correctly identify the defendant. The defendant suffers no prejudice from this

amendment as it was served with the original complaint despite the misnomer.

Accordingly, the court **HEREBY ORDERS** that Roller's Motion for Leave to Amend the Complaint [Docket No. 20] is **granted**. Roller is instructed to file an amended complaint that correctly identifies the defendant as Sioux Valley Hospital. No additional amendments are authorized by the court at this time. Roller's Second Amended Complaint [Docket No. 17], **shall be stricken** from the record since it was improperly filed prior to obtaining leave from the court. Once the procedurally correct amended complaint is filed, the Clerk of Courts is directed to amend the caption of this matter to reflect the properly named defendant.

Dated: November 16, 2005

s/ Arthur J. Boylan
Arthur J. Boylan
United States Magistrate Judge