

2021 WL 1345529
Only the Westlaw citation
is currently available.
United States District Court,
N.D. Texas, Fort Worth Division.

IOU CENTRAL, INC.
d/b/a IOU Financial
v.
PREMIER PAVING GP. INC., et al.

CIVIL NO. 4:21-CV-144-Y
|
Signed 04/09/2021

Attorneys and Law Firms

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Paving GP. Inc., Premier Paving, Ltd.,
Sharon L. Hinds, Kurt Lane Hinds.

ORDER STRIKING PLAINTIFF'S AMENDED COMPLAINT

TERRY R. MEANS, UNITED STATES
DISTRICT JUDGE

*1 On February 11, 2021, plaintiff IOU
Central Inc. filed its original complaint in

this Court. (Doc. no. 1.) It is unclear how
IOU Central notified Defendants of this
case, but on March 10, Defendants filed a
motion to dismiss. (Doc. no 8.) Twenty-
two days later, IOU Central filed its first
amended complaint. (Doc. no. 17.)

Under the Federal Rules of Civil
Procedure, a plaintiff may amend its
complaint one of two ways. First, if
the defendant files a motion to dismiss,
a plaintiff may amend its complaint
as a matter of course within 21 days
of service of the motion. *See* FED. R.
CIV. P. 15(a)(1)(B). Defendants did file
a motion to dismiss, but IOU Central
missed its matter-of-course option by
filing its amended complaint one day late.

The other way is by either obtaining
the opposing party's consent or leave of
court. FED. R. CIV. P. 15(a)(2); *U.S. v.*
Cervantes, 132 F.3d 1106, 1111 (5th Cir.
1998). IOU Central failed to obtain—or
even move for—leave of court. And after
review of the papers on file, the Court
does not find Defendants' written consent
to the amended complaint. Accordingly,
the Court concludes that plaintiff IOU
Central's amended complaint is improper,
and therefore **STRICKEN**.

All Citations

Not Reported in Fed. Supp., 2021 WL
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