

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FRANCIS SCHAFFER COX,

Plaintiff,

v.

EXECUTIVE OFFICE OF U.S.

ATTORNEYS et al.,

Defendants.

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Case No.17-611-DRH-RJD

ORDER

DALY, Magistrate Judge:

Now pending before the Court is the Motion for Leave to Amend filed by Plaintiff on February 12, 2018 (Doc. 18). The Motion is **GRANTED**.

Plaintiff has filed suit under the Freedom of Information Act, 5 U.S.C. § 552, and seeks responses from three federal agencies, the Federal Bureau of Investigation ("FBI"), the Bureau of Alcohol, Tobacco, and Firearms ("ATF"), and the Executive Office of US Attorneys ("EOUSA") (Doc. 1).

Federal Rule of Civil Procedure 15(a) provides that a party may amend a pleading and that leave to amend should be freely given "when justice so requires." The Seventh Circuit maintains a liberal attitude toward the amendment of pleadings "so that cases may be decided on the merits and not on the basis of technicalities." *Stern v. U.S. Gypsum, Inc.*, 547 F.2d 1329, 1334 (7th Cir. 1977). The Circuit recognizes that "the complaint merely serves to put the defendant on notice and is to be freely amended or constructively amended as the case develops, as long as amendments do not unfairly surprise or prejudice the defendant." *Toth v. USX Corp.*, 883 F.2d 1297, 1298 (7th Cir. 1989); *see also Winger v. Winger*, 82 F.3d 140, 144 (7th Cir. 1996)

Plaintiff's proposed amended complaint adds two new FOIA claims (Counts 4 and 5) against the FBI and the EOUSA, defendants already named in the suit. Counts 1, 2, and 3 of the proposed amended complaint are the same as those asserted in the original Complaint. Plaintiff's request to amend is timely filed and does not cause undue delay. Because leave should be freely given, the Motion for Leave to Amend (Doc. 18) is **GRANTED**, and the Clerk of Court is **DIRECTED** to file Plaintiff's amended complaint.

IT IS SO ORDERED.

DATED: February 22, 2018

s/ Reona J. Daly
Hon. Reona J. Daly
United States Magistrate Judge