

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MARIA TORRES, etc.,)
)
 Plaintiff,)
)
 v.) No. 08 C 6150
)
 VALLEY VIEW COMMUNITY UNIT)
 SCHOOL DISTRICT 365U,)
)
 Defendant.)

MEMORANDUM ORDER

This Court's brief October 29, 2008 memorandum order ("Order") identified the problematic nature of the original Complaint in this action: its apparent failure to advance any claim falling within federal subject matter jurisdiction. Accordingly Order at 2 concluded by directing plaintiff's counsel "to submit a supplemental filing on that score on or before November 12, 2008."

What plaintiff's counsel has done instead is to tender a "Motion for Leave To File Amended Complaint," together with an attached pleading that shifts gears entirely by invoking 42 U.S.C. §1983--a claim squarely within the jurisdictional purview of a federal court. That being so:

1. No such leave to file is required, for Fed. R. Civ. P. 15(a)(1) confers an absolute right to file such an amended pleading "as a matter of course," with no prior court permission being required.

2. This Court is contemporaneously issuing an initial

scheduling order, which in part sets an initial status hearing date.

It should of course be understood that no view is expressed here as to the viability or nonviability of the claim advanced in the Amended Complaint--this memorandum order speaks only to plaintiff's unfettered right to have filed it.



Milton I. Shadur
Senior United States District Judge

Date: November 14, 2008