

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MARIA ISABEL PERALES SERNA, ET AL.,

Plaintiffs,

V.

TEXAS DEPARTMENT OF STATE
HEALTH SERVICES, VITAL STATISTICS,
UNIT, ET AL.,

Defendants.

§
§
§
§
§
§
§
§
§
§

1-15-CV-446 RP

ORDER

Before the Court are Plaintiffs’ Motion to Amend and Join Parties, filed August 18, 2015 (Clerk’s Dkt. #22), and Defendants’ Response in Opposition to Plaintiffs’ Motion to Amend and Join Parties, filed August 25, 2015 (Clerk’s Dkt. #27). By way of the motion, Plaintiffs seek leave to file their Second Amended Complaint to name additional plaintiffs as parties to this action.

Defendants are opposed to the motion, on the ground that Plaintiffs’ Second Amended Complaint suffers from the same flaws which are the subject of Defendants’ Motion to Dismiss Under Fed. R. Civ. P. 12(b)(1) and 12(b)(6), filed July 22, 2015 (Clerk’s Dkt. #16). Notably, Defendants do not object to Plaintiffs’ request to name additional plaintiffs as parties to this action.

The Court therefore finds the more expedient method for addressing Defendants’ objections is to permit the filing of the amended complaint and afford Defendants the opportunity to assert their objections by way of a renewed motion to dismiss. Accordingly,

Plaintiffs’ Motion to Amend and Join Parties (Clerk’s Dkt. #22) is hereby **GRANTED**.

Defendants' Motion to Dismiss Under Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (Clerk's Dkt. #16) is hereby **DISMISSED WITHOUT PREJUDICE**.

SIGNED on August 26, 2015.

A handwritten signature in blue ink, appearing to read "R. Pitman", with a long horizontal flourish extending to the right.

ROBERT L. PITMAN
UNITED STATES DISTRICT JUDGE