

United States District Court  
Middle District of Florida  
Jacksonville Division

RIANA MADISON,

*Plaintiff,*

v.

No. 3:24-cv-129-MMH-PDB

FLORIDA STATE COLLEGE OF JACKSONVILLE,

*Defendant.*

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### Order

The plaintiff moves for leave to amend the complaint. Doc. 34. The defendant opposes amendment on the grounds of untimeliness, the absence of good cause (due diligence), and futility. Doc. 35.

The motion, Doc. 34, is **granted** considering the Court's inherent authority over scheduling, the liberal amendment standard, that the action is less than six months old, that the plaintiff filed the original motion within the period for moving for leave to amend, *see* Docs. 16, 30, and that the amendment will eliminate issues raised by the defendant in the motion to dismiss, Doc. 12, and thus conserve court resources.

By **July 23, 2024**, the plaintiff must file the second amended complaint, as described in the motion and at Doc. 31-1, except that the plaintiff may revise the pleading to address the defendant's arguments about the proper defendant; sovereign immunity; the absence of clarity on whether the plaintiff is alleging a claim for disparate treatment, hostile environment, or both, and under which

law; and insufficient factual allegations to state plausible claims. *See* Doc. 12 at 4–18; Doc. 35 at 10–11. By **August 6, 2024**, the defendant must respond to the second amended complaint. The motion to dismiss the amended complaint, Doc. 12, is **denied** without prejudice as moot.

This order makes no finding on futility, an issue better addressed with adversarial briefing on a motion to dismiss, motion for judgment on the pleadings, or motion for summary judgment.

**Ordered** in Jacksonville, Florida, on July 11, 2024.



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PATRICIA D. BARKSDALE  
*United States Magistrate Judge*