

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

STEVEN AFTERGOOD,	:		
	:		
Plaintiff,	:	Civil Action No.:	01-2524
	:		
v.	:	Document No.:	16
	:		
CENTRAL INTELLIGENCE AGENCY,	:		
	:		
Defendant.	:		

**ORDER**

**GRANTING THE PLAINTIFF’S MOTION TO AMEND**

This matter comes before the court on the plaintiff’s motion to amend his complaint. After a responsive pleading has been served, as is the case here, a plaintiff may amend the complaint only by leave of the court or by written consent of the adverse party. FED. R. CIV. P. 15(a); *Foman v. Davis*, 371 U.S. 178, 182 (1962). The grant or denial of leave lies in the sound discretion of the district court. *Firestone v. Firestone*, 76 F.3d 1205, 1208 (D.C. Cir. 1996). The court must, however, heed Rule 15’s mandate that leave is to be “freely given when justice so requires.” *Id.*; *Caribbean Broad. Sys., Ltd. v. Cable & Wireless P.L.C.*, 148 F.3d 1080, 1083 (D.C. Cir. 1998). Indeed, “[i]f the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits.” *Foman*, 371 U.S. at 182. Denial of leave to amend therefore constitutes an abuse of discretion unless the court gives sufficient reason, such as futility of amendment, undue delay, bad faith, dilatory motive, undue prejudice, or repeated failure to cure deficiencies by previous amendments. *Id.*; *Caribbean Broad. Sys.*, 148 F.3d at 1083. The defendant does not oppose the

plaintiff's motion, and none of the *Foman* factors is present.

Accordingly, it is this 16th day of January, 2004,

**ORDERD** that the plaintiff's motion to amend the complaint is **GRANTED**.

**SO ORDERED**

RICARDO M. URBINA  
United States District Judge