

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION AT DAYTON**

Brian McComb v. Seth W. Paul, et al.

McComb v. Paul · No. 3:25-cv-252 · Decided March 18, 2026

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION AT DAYTON BRIAN MCCOMB, Plaintiff, Case No. 3:25-cv-252 vs. SETH W. PAUL, et al., District Judge Michael J. Newman, Magistrate Judge Caroline H. Gentry Defendants.

ORDER: (1) GRANTING PRO SE PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO FILE HIS FIRST AMENDED COMPLAINT (Doc.

No. 21); (2) INSTRUCTING THE CLERK TO DOCKET THE FIRST AMENDED COMPLAINT (Doc. No. 21-1); (3) DENYING WITHOUT PREJUDICE DEFENDANTS’ MOTION FOR JUDGMENT ON THE PLEADINGS (Doc. No. 15); AND (4) TERMINATING AS MOOT PLAINTIFF’S MOTION FOR AN EXTENSION OF TIME TO RESPOND TO DEFENDANTS’ MOTION FOR JUDGMENT ON THE PLEADINGS (Doc. No. 17) AND HIS MOTION FOR LEAVE TO FILE EXCESS PAGES (Doc.

No.

18)

This civil case is before the Court upon Defendants Seth W. Paul, John B. Perry, and West Carrollton Police Department’s (collectively “Defendants”) motion for judgment on the pleadings. Doc. No. 15. Pro se Plaintiff Brian McComb¹ has filed a motion for an extension of time to respond to Defendants’ motion (Doc.

No. 17), and Defendants have filed a memorandum in opposition (Doc. No. 19). Plaintiff also filed a motion for leave to file excess pages. Doc. No. 18. Finally, Plaintiff filed a motion for leave to file his first amended complaint with an attached proposed amended complaint. Doc. Nos. 21, 21-1.

For good cause shown, in the interests of justice and efficiency, and because amendments to a complaint are freely granted as justice so requires, the Court GRANTS Plaintiff’s motion for 1 As with all pro se litigants, Plaintiff’s documents and allegations are liberally construed in his favor. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam). leave to file an amended complaint.

Fed. R. Civ. P. 15(a)(2); see generally *Parchman v. SLM Corp.*, 896 F.3d 728, 736-37 (6th Cir. 2018). The Court INSTRUCTS the Clerk to separately docket the first amended complaint. Doc. No. 21-1. Given the Court's ruling, Defendants' pending motion for judgment on the pleadings is premature and DENIED WITHOUT PREJUDICE.

Accordingly, Plaintiff's motion for an extension of time to respond and his motion for leave to file excess pages are both TERMINATED AS MOOT. IT IS SO ORDERED. March 18, 2026
s/Michael J. Newman Hon. Michael J. Newman United States District Judge