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**NOT FOR PUBLICATION**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Louis T. Cervantes,  
Plaintiff,

vs.

Richard Pratt, et al.,  
Defendants.

) No. CV04-1004-PHX-SRB

) **ORDER**

After this case was remanded by the Ninth Circuit Court of Appeals, the Court held a status conference at which time Plaintiff stated his intention to file an amended complaint. The Court advised that Plaintiff would have to file a motion to amend so that Defendants could respond. Plaintiff filed a Motion to Amend which was denied on August 20, 2007. In its order of denial the Court stated that the only matters that would be tried were the claims for retaliation and excessive force presently framed in the existing amended complaint (doc. 237). Despite the Court's language Plaintiff filed another Motion for Leave to File an Amended Complaint on October 12, 2007, seeking to add numerous parties and numerous claims. Defendants responded in opposition. On January 7, 2008, the Magistrate Judge issued a Report and Recommendation recommending that the Motion to Amend be denied.

On January 28, 2008, Plaintiff filed an objection to the Magistrate's Report and Recommendation and request for oral argument. The objections will be overruled. Oral argument is denied.

