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**NOT FOR PUBLICATION**

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Akmal Jacoby Robinson,

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No. CV-08-0149-PHX-FJM

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Plaintiff,

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**ORDER**

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vs.

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Joseph M. Arpaio, et al.,

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Defendants.

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The court has before it plaintiff's motion to amend Count I to conform to evidence (doc. 57), plaintiff's motion to amend Count II (doc. 64), the report and recommendation of the United States Magistrate Judge (doc. 103), and plaintiff's objections (doc. 109). We also have before us plaintiff's motion for judgment regarding his motion to amend Count I (doc. 102), which we construe as a motion for ruling.

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On June 10, 2008, a scheduling order was entered setting September 5, 2008, as the deadline to amend the complaint (doc. 17). Plaintiff filed the instant motions to amend on October 3, 2008, and November 3, 2008, well past the amendment deadline. Plaintiff's motions to amend seek to add several entirely new claims to his complaint. We agree with the Magistrate Judge that this late amendment would unfairly prejudice defendants and accordingly we adopt the report and recommendation of the Magistrate Judge in accordance with Rule 72(b)(3), Fed. R. Civ. P., and 28 U.S.C. § 636(b)(1).

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**IT IS ORDERED DENYING** plaintiff's motion to amend Count I (doc. 57) and **DENYING** plaintiff's motion to amend Count II (doc. 64). It is further ordered **DENYING** plaintiff's motion for [ruling] on Count I on grounds of mootness (doc. 102).

DATED this 19<sup>th</sup> day of February, 2009.

*Frederick J. Martone*  
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Frederick J. Martone  
United States District Judge