Stricklin v. Spencer et al Doc. 75 Att. 1

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

JOSHUA STRICKLIN PLAINTIFF
ADC #138119

V. NO: 5:11CV00220 HDY

TONDA SPENCER *et al.* DEFENDANTS

ORDER

Plaintiff filed a complaint on August 29, 2011, and an amended complaint on September 8, 2011, alleging that unsafe conditions in his cell led him to slip and injure himself on December 4, 2010. This case is set for a Court trial on March 20, 2012. On December 29, 2011, Plaintiff filed a motion to amend, seeking to dismiss his claims against Defendants Tonda Spencer and Larry May, and to make what he has described as technical changes to the relief he seeks (docket entry #65). Defendants have filed a response in opposition (docket entry #69).

Allowing Plaintiff to amend his complaint and to make changes to his relief sought will not prejudice Defendants, in contrast to Plaintiff's previous motion to amend (docket entry #47), where he sought to make new claims against an individual who was not a Defendant at the time. Accordingly, the motion will be granted.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's motion to amend (docket entry #65) is GRANTED.

2. Plaintiff's claims against Defendants Tonda Spencer and Larry May are DISMISSED WITHOUT PREJUDICE, and Spencer's and May's names are removed as party Defendants.

3. The Clerk is directed to file the attachment (docket entry #65-1) as Plaintiff's amended complaint.

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DATED this __3__ day of February, 2012.

UNITED STATES MAGISTRATE JUDGE