

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

AARON ANTHONY FLEMONS
ADC # 119749

PLAINTIFF

v.

No. 5:18-cv-73-DPM

GLENDIA BOLDEN, Security Officer,
EARU, ADC; DARYL MORRIS, Security
Officer, EARU, ADC; WENDY KELLEY,
Director, ADC; KEITH WADDLE; and
DANIEL GOLDEN

DEFENDANTS

ORDER

Motion to amend, *No 79*, denied. FED. R. CIV. P. 15(a)(2). Justice doesn't require allowing an amendment at this late stage. The Court will, however, consider Flemons's proposed amendment as an affidavit in support of his summary judgment response. In particular, it includes more facts, provided under oath, about Flemons's time in punitive isolation. *No 79 at 7-8*. And though this testimony is self-serving, that doesn't mean it's necessarily insufficient. *United States v. Dico, Inc.*, 136 F.3d 572, 579 (8th Cir. 1998). The Court therefore returns this case to the Magistrate Judge for a supplemental recommendation on Flemons's Eighth Amendment claims in light of the new material.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

16 August 2019