

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TONY EDWARD POWELL,

Plaintiff,

vs.

MADDEN, *et al.*,

Defendants.

Case No. 1:13-cv-00057-RRB

ORDER REGARDING
MOTION AT DOCKET 36

At Docket 36 Plaintiff Tony Edward Powell, a federal prisoner appearing *pro se*, filed a document entitled “Addendum” in which he moves the Court to add ten (10) additional Defendants. At Docket 39 Defendants have opposed Powell’s motion. Liberally construing Powell’s “Addendum” as the functional equivalent of a motion to amend the complaint as it must,¹ it will be denied.

Powell’s moving papers, without stating any factual basis, simply allege that the additional defendants acted with reckless and deliberate disregard of his constitutionally protected rights under the guise of state law. It is axiomatic that mere conclusory allegations, unsupported by a factual underpinning, are insufficient to support a claim for relief.² Although, as noted above, prisoner *pro se* pleadings are given the benefit of liberal

¹ *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam); *Porter v. Ollison*, 620 F.3d 952, 958 (9th Cir. 2010).

² *See Ashcroft v. Iqbal*, 556 U.S. 662, 678–79 (2009); Fed. R. Civ. P 12(b)(6).

construction, Powell's "Addendum" falls far short of even the most rudimentary requirements of notice pleading.

Accordingly, the Addendum at Docket 36, treated as motion to amend the complaint, is **DENIED**.

IT IS SO ORDERED this 18th day of February, 2014.

S/ RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE