

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 46**

At **Docket 46** Plaintiff Tony Edward Powell, a federal prisoner appearing *pro se*, filed a document entitled “Petition for More Definite Statement.” Powell seeks relief under Federal Rule of Civil Procedure 12(e) or, in the alternative, the Court reconsider its Order at Docket 42 denying his motion to add defendants under Federal Rule of Civil Procedure 59(e). Powell filed a document entitled “Addendum” in which he sought to add ten additional defendants,¹ which was opposed.² The Court, treating the “Addendum” as the functional equivalent of a motion to amend the complaint, denied the motion on the basis that mere conclusory allegations without supporting facts were insufficient as a matter of law to state a viable cause of action against the additional defendants. Although Powell attempts to remedy the defects in his prior motion, he has still fallen far short of properly seeking leave to amend his complaint to add parties.

¹ Docket 36.

² Docket 39.

Accordingly, the Petition for More Definite Statement at Docket 46 is **DENIED**.

If Powell wishes to amend his complaint to add additional parties, he must seek leave of court to do so by motion,³ and comply with the provisions of Local Rules 137(c)⁴ and 220.⁵

IT IS SO ORDERED this 5th day of March, 2014.

S/ RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE

³ Fed. R. Civ. P. 15(a).

⁴ L.R. 137(c) provides in relevant part:
Documents Requiring Leave of Court. If filing a document requires leave of court, such as an amended complaint after the time to amend as a matter of course has expired, counsel shall attach the document proposed to be filed as an exhibit to moving papers seeking such leave and lodge a proposed order as required by these Rules.

⁵ L.R. 220 provides:
As used in this Rule, the term "changed pleadings" shall refer to amended and supplemental pleadings permitted and filed pursuant to Fed. R. Civ. P. 15.
Unless prior approval to the contrary is obtained from the Court, every pleading to which an amendment or supplement is permitted as a matter of right or has been allowed by court order shall be retyped and filed so that it is complete in itself without reference to the prior or superseded pleading. No pleading shall be deemed amended or supplemented until this Rule has been complied with. All changed pleadings shall contain copies of all exhibits referred to in the changed pleading. Permission may be obtained from the Court, if desired, for the removal of any exhibit or exhibits attached to a superseded pleading, in order that the same may be attached to the changed pleading.