

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 06-cv-00545-WYD-KLM

TONY E. POWELL,

Plaintiff(s),

v.

J. WILNER (S.I.A.),

Defendant.

ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's tendered pleading titled **Complaint** [Docket No. 171; Filed September 1, 2009]. To the extent that Plaintiff intends to amend his operative Complaint, any attempts to amend must be made by motion. See Fed. R. Civ. P. 15(a). Moreover, the deadline for amendment of pleadings expired on June 15, 2009 [Docket No. 165], and Plaintiff's tendered pleading is not timely.

The Court notes that Plaintiff purports to assert a claim against defense counsel in this matter due to events that occurred after the filing of his Complaint. Joinder of this party and claim to the present case is not proper because the alleged events complained of by Plaintiff do not arise from the same transaction or occurrence at issue in his present case and do not involve a common question of law or fact. See Fed. R. Civ. P. 20. The events in the tendered pleading occurred well after the Complaint was filed and, consequently, bear no relation to Plaintiff's pending retaliation claim, which is limited solely to Defendant Wilner's alleged retaliation against Plaintiff by filing a false report. Further, as noted above,

the deadline for amendment of pleadings is well past and Plaintiff has not offered any good cause for extending the deadline to assert new claims against a new party which do not relate to his pending case. Accordingly,

IT IS HEREBY **ORDERED** that Docket No. 171 is **STRICKEN**.

Dated: September 3, 2009

BY THE COURT:

s/ Kristen L. Mix
Kristen L. Mix
United States Magistrate Judge