

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-00571-LTB-CBS

PHILIP HILL,
Plaintiff,

v.

CORRECTIONAL CORPORATION OF AMERICA, and
EXECUTIVE DIRECTOR OF CCA,
Defendants.

ORDER

Magistrate Judge Craig B. Shaffer

This civil action comes before the court on Mr. Hill's "Request to Amend Prisoner Complaint" (filed February 23, 2009) (doc. # 110). Pursuant to the Order of Reference dated June 20, 2007 (doc. # 18) and the memorandum dated February 24, 2009 (doc. # 112), this matter was referred to the Magistrate Judge. The court has reviewed the Motion, the entire case file, and the applicable law and is sufficiently advised in the premises.

Mr. Hill "requests permission to amend prisoner complaint, [t]o conform to the evidence. Evidence that has arisen from Defendants['] answers to interrogatories and request for admissions dated 1-12-09. To clarify statements, and to eliminate others [sic]." (See doc. # 110). The court may deny a motion to amend a complaint for failure to submit the proposed amendment. See *Lambertson v. Utah Dept. of Corrections*, 79 F.3d 1024, 1029 (10th Cir. 1996) (district court did not abuse its discretion in denying plaintiff's motion to amend for failure to provide adequate explanation for delay in seeking amendment and for failure to provide a copy of the proposed amended pleading). Mr. Hill has not described any of the proposed amendments with particularity and has not attached a copy of a complete proposed Amended Complaint.

Further, and more importantly, Mr. Hill may present any or all of his evidence in his response to the pending Motion for Summary Judgment and/or at trial. Mr. Hill need not

amend his Prisoner Complaint (doc. # 13) in order to present his evidence. Thus, Mr. Hill's request to amend his Prisoner Complaint is unnecessary.

Accordingly, IT IS ORDERED that Mr. Hill's "Request to Amend Prisoner Complaint" (filed February 23, 2009) (doc. # 110) is DENIED without prejudice.

DATED at Denver, Colorado, this 24th day of February, 2009.

BY THE COURT:

s/Craig B. Shaffer
United States Magistrate Judge