

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 07-cv-01848-PAB-KMT

CLARENCE A. WALKER,

Plaintiff,

v.

CHIEF, SPENCE,  
CAPTAIN, BAY,  
LIEUTENANT MARTIN,  
SARGENT (sic) WISCAMB,  
SARGEANT ASPINOL,  
DEPUTY GOFF,  
DEPUTY KILLIAM, and  
DEPUTY SEXTON,

Defendants.

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**ORDER**

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This matter is before the court on Plaintiff's "Motion to/Modify/Add/Amend Motion to Amend Robinson" (Doc. No. 155, filed October 5, 2008) and "Motion to Include Injuries Caused by Defendant Robinson" (Doc. No. 176, filed January 14, 2009). It appears Plaintiff wants to amend his complaint to add claims of injury by a defendant not previously named in his October 22, 2007 complaint. The Federal Rules of Civil Procedure provide that a party may amend a pleading by leave of court, and that leave shall be given freely when justice so requires. Fed. R. Civ. P. 15(a). Although the federal rules permit and require liberal construction and amendment of pleadings, the rules do not grant the parties unlimited rights of amendment. A motion to

amend may be denied on the grounds of undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, or futility of amendment. *Foman v. Davis*, 371 U.S. 178, 182 (1962).

When seeking leave of the court to amend a complaint, the motion to amend must detail the proposed amendments and the reasons why such amendments are necessary. In addition, the plaintiff must attach the proposed amended complaint to the motion. The proposed amended complaint must stand alone; it must contain all of the plaintiff's claims. Here, the plaintiff does not detail why the amendments to his complaint are necessary, nor does he attach a proposed amended complaint to either of his motions. As a result, it is impossible to determine if the proposed amendments are permissible. Therefore, it is

ORDERED that Plaintiff's motions (Doc. Nos. 155 and 176) are DENIED.

Dated this 15th day of January, 2009.

**BY THE COURT:**



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Kathleen M. Tafoya  
United States Magistrate Judge