

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-01355-REB-KMT

STEVEN WILSON,

Plaintiff,

v.

CATHY HOLST, Individually

Defendant.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA

This matter is before the court on “Plaintiff’s Amended Complaint Under Rule 15(a), F.R.C.P.” (Doc. No. 29, filed January 22, 2009), which the court construes as a motion to amend complaint, and Plaintiff’s “Notice of Further Delay and Request for Additional Time (Doc. No. 33, filed February 23, 2009).

It appears Plaintiff wants to file a third amended 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 a third amended complaint is necessary. As a result, it is impossible to determine if the proposed amendment is permissible. Plaintiff's motion is also untimely. Plaintiff filed his first complaint on June 27, 2008 (Doc. No. 2). He then filed an amended complaint on August 25, 2008 (Doc. No. 9). Based on these reasons, Plaintiff's motion to amend complaint shall be DENIED.

Therefore, it is

ORDERED that Plaintiff's motion to amend complaint (#29) is DENIED without prejudice.

FURTHER ORDERED that Plaintiff's motion for extension of time (#33) is GRANTED, and Plaintiff shall have up until March 9, 2009 to file his response to Defendants' Motion to Dismiss.

Dated this 24th day of February, 2009

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge