

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02612-WYD-MEH

JAMES K. CONKLETON,

Plaintiff,

v.

ED MURO, in his individual and official capacities as a Correctional Officer I for the CDOC, and
RICHARD DEGROOT, in his individual and official capacities as a Case Manager for the CDOC,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on July 15, 2011.

Because justice does not require amendment in this case, Plaintiff's Motion for Leave to Amend the Complaint [filed July 14, 2011; docket #199] is **denied**. Plaintiff does not seek to add any new claims, parties or factual allegations in this case;¹ rather, Plaintiff's stated reason for the "amendment" is to clarify his current claims, because "through the course of pretrial proceedings and procedures, this action no longer consist [sic] of Seven Claims for relief against (11) prison officials." Motion, ¶ 2. However, the Final Pretrial Order (docket #172), which is the operative pleading in this matter, lists three claims against four defendants. Judge Daniel's March 28, 2011 order simply dismisses two of those listed claims against two defendants, leaving two claims and two defendants to proceed in this matter. *See* Order, docket #190. Plaintiff's proposed Second Amended Complaint does nothing to change the nature or structure of this case. The Plaintiff articulates no reason, and the Court finds none, to justify filing an unnecessary pleading at this stage of the litigation.

¹Accordingly, the motion does not seek dispositive relief and this Court need not issue a recommendation. *See* 28 U.S.C. § 636(b)(1)(B).