

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

Civil Action No. 09-cv-01991-WYD-KMT

JACOB DANIEL OAKLEY,

Plaintiff,

v.

ARISTEDES W. ZAVARES, Executive Director, D.O.C.,
SUSAN JONES, Warden, CSP,
STEP 1 GRIEVANCE, BD. JOHN OR JANE DOE #1
STEP 2 GRIEVANCE, BD. JOHN OR JANE DOE #2
STEP 3 GRIEVANCE, BD. JOHN OR JANE DOE #3
ANTHONY A. DESSESSARO, Grievance Board,
WILLIAM RICHTER #5, COPD BD, of Discipline,
POCHECHO #4, COPD BD, of Discipline
JOHN OR JANE DOE #6, Inmate Banking Chain of Command,
JOHN OR JANE DOE #7, Inmate Banking Chain of Command,
JOHN OR JANE DOE #8, Inmate Banking Chain of Command,
JOHN OR JANE DOE #9, Inmate Banking Chain of Command,
P. HUNTER, Inmate Banking Chain of Command,

Defendants.

ORDER

This matter is before the court on Plaintiff's "Motion to Amend Complaint and Motion for Leave to Amend Complaint" (Doc. No. 39, filed February 24, 2010). It appears Plaintiff wants to amend his complaint to add additional parties and additional claims.

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 additional defendants or claims are necessary, nor does he attach a proposed amended complaint to his motion. As a result, it is impossible to determine if the proposed amendment is permissible. Therefore, it is

ORDERED that Plaintiff's "Motion to Amend Complaint and Motion for Leave to Amend Complaint" (Doc. No. 39) is DENIED without prejudice.

Dated this 26th day of February, 2010.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge