

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00334-PAB-KMT

JEFFREY ALLEN PHILLIPS,

Plaintiff,

v.

SUSAN TIONA, Doctor, Kit Carson Correctional Center,
HOYT BRILL, Warden, Kit Carson Correctional Center,
JODI GRAY, Health Administrator, Kit Carson Correctional Center, and
CORRECTIONS CORPORATION OF AMERICA, owner of private prison KCCC,

Defendants.

ORDER

This matter is before the court on Plaintiff's "Motion to Leave Court to Include Supplement and to Correct all Deficiencies" (Doc. No. 270, filed July 19, 2011) and "Motion for Leave of the Court to Add a 3d Party; State of Colorado" (Doc. No. 271, filed July 19, 2011).

It appears Plaintiff wants to amend his complaint to add a new defendant, the State of Colorado, and to supplement his complaint to add additional facts. 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 he wishes to add the State of Colorado as a defendant or the additional facts to his complaint; nor does he 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 motions (Doc. No. 270, 271) are DENIED without prejudice.

Dated this 25th day of July, 2011.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge