

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00337-PAB-KLM

ANTHONY FRIES,

Plaintiff,

v.

ANITA ARCULETA, Parole Officer,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion to Clarify Claims and Amend to Reflect Proper Defendants** [Docket No. 16; Filed March, 29, 2010] (the "Motion").

Plaintiff seeks leave to amend his Complaint pursuant to Federal Rule of Civil Procedure 15. Plaintiff states that he will add Defendants "Colorado et al." Plaintiff also discusses several Colorado statutes and their applicability to his case. Plaintiff apparently seeks to add or clarify claims relating to these statutes.

"The liberal granting of motions for leave to amend reflects the basic policy that pleadings should enable a claim to be heard on its merits." *Calderon v. Kansas Dep't of Soc. and Rehab. Servs.*, 181 F.3d 1180, 1186 (10th Cir. 1999) (citing *Foman v. Davis*, 371 U.S. 178, 181-82(1962)). However, "this policy is not limitless and must be balanced against Fed. R. Civ. P. 7(b)(1)." *Id.* (citation omitted). Rule 7(b)(1) requires that any motion must "be in writing unless made during a hearing or trial; state with particularity the grounds for seeking the order; and state the relief sought." "By requiring notice to the court and the

opposing party of the basis for the motion, [R]ule 7(b)(1) advances the policies of reducing prejudice to either party and assuring that 'the court can comprehend the basis of the motion and deal with it fairly.'" *Calderon*, 181 F.3d at 1186 (quoting 5 CHARLES ALAN WRIGHT & ARTHUR R. MILLER, FEDERAL PRACTICE AND PROCEDURE § 1192, at 42 (2d ed. 1990)).

Here, Plaintiff does not include his proposed Amended Complaint as an attachment to his motion. The Court does not have sufficient detail as to the relief Plaintiff seeks. Plaintiff may file another motion to amend his Complaint, including as an attachment his proposed Amended Complaint. Accordingly,

IT IS HEREBY **ORDERED** that the Motion is **DENIED without prejudice**.

IT IS FURTHER **ORDERED** that Plaintiff must file any Motion for Leave to Amend his Complaint on or before **May 7, 2010**, and must include his proposed Amended Complaint as an attachment.

IT IS FURTHER **ORDERED** that the Clerk shall mail Plaintiff a copy of the Prisoner Complaint form.

Dated: April 5, 2010