

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

Civil Action No. 10-cv-02277-CMA-KMT

STEVEN JOSHUA KARP,

Plaintiff,

v.

KIRK G. GARRETT, Correctional Officer, Colorado Department of Corrections, and  
WARDEN (Name Unknown), Denver Diagnostic Reception Center,

Defendants.

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**ORDER**

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This matter is before the court on Plaintiff's "Motion for Leave to Amend Complaint, to Include Plaintiff's Declaration and Exhibits" (Doc. No. 15, filed December 6, 2010). Plaintiff wishes to amend his complaint to add exhibits and his declaration "to provide[] a more thorough and descriptive account of the events" and to provide a more comprehensive initial pleading.

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 exhibits and declaration he wishes to include with his complaint 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 (Doc. No. 15) is DENIED without prejudice.

Dated this 7th day of December, 2010.

**BY THE COURT:**



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Kathleen M. Tafoya  
United States Magistrate Judge