

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Case No. 12-cv-00349-REB-BNB

WILLIE HORTON,

Plaintiff,

v.

P. RANGEL, Unit Manager,
D. FOSTER, Counselor, and
A. FENLON, Case Manager,

Defendants.

ORDER

This matter arises on the plaintiff's **Amendment to Complaint** [Doc. #11, filed 03/08/2012] (the "Amendment"). The Amendment is accepted for filing.

The plaintiff has submitted a supplement to his Complaint which provides additional allegations regarding a claim that has been dismissed. *See Order to Dismiss in Part and to Draw in Part to District Judge and Magistrate Judge* [Doc. #7].

Rule 15, Fed.R.Civ.P., provides that a complaint may be amended once as a matter of course within 21 days after serving it, or "if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed.R.Civ.P. 15(a)(1). "In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." *Id.* at 15(a)(2).

Because the plaintiff is currently incarcerated by the Federal Bureau of Prisons, the United States Marshal has been provided with the appropriate forms to serve the defendants

[Doc. #9]. However, the defendants have not yet been served with the Complaint. Therefore, the plaintiff may amend his pleading as a matter of course.

I generally do not allow a plaintiff to amend a complaint by filing piecemeal amendments and supplements. Rather, the plaintiff must file the entire proposed amended complaint. In this case, however, it appears that allowing the amendment is the most efficient way to proceed.

Accordingly,

IT IS ORDERED that the Amendment is accepted for filing.

Dated March 22, 2012.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge