

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

Civil Action No. 12-cv-00383-WYD-KMT

THERON JOHNNY MAXTON 85599-071,

Plaintiff,

v.

UNITED STATES OF AMERICA,  
BOP DIRECTOR WASHINGTON D.C.,  
T.K. TOZZA RHODES WARDEN FCI,  
CHARLES DANIEL WARDEN FCT,  
S. COLLINS HEALTH SERVICES USP, and  
LT. ANTHONY USP FLORENCE,

Defendants.

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**ORDER**

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This matter is before the court on Plaintiff's Motion to Amend Complaint (Doc. No. 32, filed August 6, 2012). It appears Plaintiff wishes to amend his complaint to add defendants.

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, Plaintiff does not 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. 32) is DENIED without prejudice.

Dated this 7th day of August, 2012.

BY THE COURT:



Kathleen M. Tafoya  
United States Magistrate Judge