

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03215-MSK-CBS

JORGE TENA,
Plaintiff,

v.

[JOHN] LINZA,
Defendant.

ORDER

Magistrate Judge Craig B. Shaffer

This civil action comes before the court on Plaintiff Mr. Tena's letter requesting "the opportunity . . . to file an amended complaint properly," which was docketed at the direction of the court as a motion for leave to file an amended complaint. (See "Order Deeming Letter filed by Jorge Tena to be a Motion for Leave to file an Amended Complaint [sic]" (Doc. # 21)). Pursuant to the Order Referring Case dated May 1, 2013 (Doc. # 20) and the memorandum dated May 1, 2013 (Doc. # 22), this matter was referred to the Magistrate Judge. The court has reviewed the Motion, the entire case file, and the applicable law and is sufficiently advised in the premises.

The court may deny a motion to amend a complaint for failure to submit the proposed amendment. See *Lambertson v. Utah Dept. of Corrections*, 79 F.3d 1024, 1029 (10th Cir. 1996) (district court did not abuse its discretion in denying plaintiff's motion to amend for failure to provide adequate explanation for delay in seeking amendment and for failure to provide a copy of the proposed amended pleading); *Zaidi v. Ehrlich*, 732 F.2d 1218, 1220 (5th Cir. 1984) (district court should have held motion to amend in abeyance pending submission of plaintiff's proposed amendment); *Bownes v. City of Gary, Indiana*, 112 F.R.D. 424, 425 (N.D. Ind. 1986)

("common sense" dictates that a party seeking leave to amend should accompany his motion with a copy of the proposed amended complaint); *Williams v. Wilkerson*, 90 F.R.D. 168, 170 (E.D. Va. 1981) (where plaintiff sought leave to amend, a copy of the proposed amended pleading must be attached to the motion). Mr. Tena does not explain why or how he seeks to amend his Amended Complaint (Doc. # 9) and has not attached a copy of a complete proposed Second Amended Complaint.

Accordingly, IT IS ORDERED that Plaintiff Mr. Tena's motion for leave to file an amended complaint (filed April 29, 2013) (Doc. # 19) is DENIED without prejudice for failure to submit a copy of a complete proposed Second Amended Complaint.

DATED at Denver, Colorado this 6th day of May, 2013.

BY THE COURT:

s/ Craig B. Shaffer
United States Magistrate Judge