

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

Civil Action No. 12-cv-03249-MSK-KMT

DUSTIN SIMS,

Plaintiff,

v.

JOSHUA HAMMACK,

Defendant.

ORDER

This matter is before the court on Plaintiff's amended Prisoner Complaint (Doc. No. 77, filed June 20, 2013).

It appears Plaintiff wants to amend his complaint to add additional defendants and possible additional claims. 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). Additionally, a plaintiff may amend his pleading once as a matter of course within 21 days after serving it or 21 days after service of a

responsive pleading or motion under 12(b), (e), or (f). *See* Fed. R. Civ. P. 15(a)(1). In all other cases, a plaintiff may amend his complaint only with the opposing party's written consent or the court's leave.

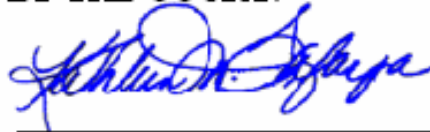
Here, there is no indication Plaintiff has received the consent of Defendant to file his amended complaint, and the court has not granted leave to amend. Therefore, Plaintiff must file a motion to amend his complaint. When seeking leave of the court to amend a complaint, the motion to amend must detail 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.

Therefore, it is

ORDERED that Plaintiff's proposed amended prisoner complaint (Doc. No. 77) is STRICKEN.

Dated this 24th day of June, 2013.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge