

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

GARY R. DAMATO,	:	
Plaintiff,	:	
	:	
v.	:	CASE NO. 3:08cv1859 (DJS)
	:	
DEPARTMENT OF CORRECTIONS, et al.,	:	
Defendants.	:	

RULING AND ORDER

On September 30, 2011, the court granted the defendants' motion for summary judgment and judgment entered in favor of the defendants. Four months later, on January 30, 2012, the plaintiff filed a motion for leave to file an amended complaint adding John or Jane Doe members of the Utilization Review Committee. The defendants object on the ground that the motion was filed too late. For the reasons that follow, the plaintiff's motion is denied.

A summary judgment is a final judgment. The plaintiff cannot now amend his complaint because the case is closed and a final judgment has entered. Thus, there are no active pleadings to amend. See *Throne v. Shetler*, 892 F.2d 1046 (9<sup>th</sup> Cir. 1989) (unpublished disposition) (citing *Jackson v. American Bar Ass'n*, 538 F.2d 829, 833 (9<sup>th</sup> Cir. 1976) (holding that a motion

to amend after the granting of summary judgment was filed is too late)); *Amaker v. Supreme Court of New York Appellate Divisions: Second Judicial Dep't*, No. 11-CV-002963(KAM), 2011 WL 4372960, at \*2 (E.D.N.Y. Sept. 19, 2011) (court may not consider motion to amend in a closed case); *In re Ski Train Fire in Kaprun Austria on November 11, 2000*, No. 01 MDL 1428, 2011 WL 2946414, at \*1 (S.D.N.Y. July 14, 2011) (denying motion to amend as moot because cases were closed).

The plaintiff's motion for leave to file an amended complaint [**Doc. #73**] is **DENIED**.

**SO ORDERED** at Hartford, Connecticut, this 24<sup>th</sup> day of May 2012.

/s/ DJS

---

Dominic J. Squatrito  
United States District Judge