

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RICHARD K. JACKSON,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 14-1034-SLR
)	
RORY RUSSELL, et al.,)	
)	
Defendants.)	

MEMORANDUM

1. **Introduction.** Plaintiff, an inmate at the Sussex Correctional Institutional Center (“SCI”), Georgetown, Delaware, filed this lawsuit pursuant to 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act. He proceeds pro se and was granted leave to proceed in forma pauperis.

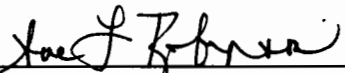
2. **Background.** The matter proceeds on the original complaint with service on the sole defendant named therein, Rory Russell. On April 1, 2015, the court granted plaintiff’s motions for leave to file an amended complaint. (D.I. 19) The amended complaint was filed on May 7 2015. (D.I. 20) The amended complaint adds new defendants and raises new claims for a time-frame different than that of the original complaint.

3. **Discussion.** Federal Rule Civil Procedure 21 provides that, “the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party.” The decision to deny a motion to sever is committed to the discretion of the district court. *In re EMC Corp.*, 677 F.3d 1351, 1355 (Fed. Cir. 2012). *See also Dougherty v. Mieczkowski*, 661 F. Supp. 267, 277-78 (D. Del. 1987).

4. The court has reviewed plaintiff's amended complaint. It adds new defendants, refers to a time-frame different from the original complaint, and raises a grievance claim, that is far different from the religion claims alleged in the original complaint. In light of the foregoing, the court will sever the newly added defendant and claims raised in the amended complaint into a new case. The operative complaint in the new case will be the amended complaint found at D.I. 20 and the defendants in the new case will be Dean Blades, James Chandler, Truman Mears, and Perry Phelps. The instant case will proceed on the original complaint found at D.I. 1 against defendant Rory Russell.

5. **Conclusion.** For the above reasons, the Clerk of Court will be directed to open a new case as outlined above. A separate order shall issue.

Dated: May 15, 2015


UNITED STATES DISTRICT JUDGE