

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ROBERT SAUNDERS	)	
a/k/a Shamsidin Ali,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 15-1184 (MN)
	)	
DEPARTMENT OF CORRECTION, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

At Wilmington this 27th day of November 2018, having considered Plaintiff’s Third Amended Complaint (D.I. 113);

IT IS ORDERED that the Third Amended Complaint (D.I. 113) is STRICKEN, for the reasons that follow:


1. Rule 15 of the Federal Rules of Civil Procedure provides that a party may amend its pleading once as a matter of course within 21 days after serving it, or if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. Fed. R. Civ. P. 15(a)(1). In all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave. Fed. R. Civ. P. 15(a)(2).

2. Local Rule 15.1 provides that a party who moves to amend a pleading shall attach to the motion the proposed pleading as amended, complete with a handwritten or electronic signature, and a form of the amended pleading which shall indicate in what respect it differs from the pleading which it amends, by bracketing or striking through materials to be deleted and underlining materials to be added.

3. Plaintiff did not seek leave to amend his complaint as required by the Federal Rules of Civil Procedure. Nor did he comply with the Local Rules of this Court.

4. It appears that Plaintiff filed the Third Amended Complaint in response to the September 28, 2018 service order that required him to submit copies of the Complaint (D.I. 3) for personal service upon Medical Defendants William Lynch, Laurie Spraga, and Rosanne Kinlock. (D.I. 105). The Order did not give Plaintiff leave to file a Third Amended Complaint. If Plaintiff intends to pursue the personal service of Medical Defendants, he shall submit copies of the Complaint (D.I. 3) for inclusion with the service packet to the United States Marshals Service. Plaintiff has already submitted the required USM-285 forms and summonses for Defendants.

5. Plaintiff shall submit service copies of the Complaint (D.I. 3) on or before December 18, 2018. Plaintiff is placed on notice that Medical Defendants Lynch, Spraga, and Kinlock will be dismissed should Plaintiff fail to submit the required service copies of the Complaint. There will be no extensions.

  
The Honorable Maryellen Noreika  
United States District Judge