

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MARCUS J. ROSSER,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civ. No. 16-381-LPS
	:	
CORPORAL MATTHEW DONOVAN,	:	
et al.,	:	
	:	
Defendants.	:	

MEMORANDUM

I. BACKGROUND

Plaintiff Marcus J. Rosser (“Plaintiff”), a former inmate at the James T. Vaughn Correctional Center (“VCC”) in Smyrna, Delaware, filed this action pursuant to 42 U.S.C. § 1983. He is now housed at the Southwood State Prison in South Bridgeton, New Jersey. Plaintiff proceeds *pro se* and has been granted leave to proceed *in forma pauperis*. (D.I. 6) Before the Court are several motions filed by Plaintiff including two motions to amend, a motion to strike affirmative defenses, and a motion for an extension of time. (D.I. 29, 31, 41, 44)

II. MOTIONS FOR LEAVE TO AMEND

Plaintiff’s motions for leave to amend (D.I. 29, 44) will be denied without prejudice to renew. Pursuant to D. Del. LR 15.1(b), when seeking to amend, the proposed amended pleading 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. Plaintiff did not seek leave to amend the pleading at D.I. 29. The motion for leave to amend at D.I. 44 provides the proposed amendments, including substitution of defendants, but does not contain all pleadings in a single document and does not comply with the local rules. Defendants do not oppose the motion to amend at D.I. 44.

The court will deny without prejudice to renew the motions for leave to amend. The Court will consider a renewed motion to amend upon Plaintiff's compliance with the local rules of this Court, said motion to include a complete copy of the proposed amended complaint that includes all allegations and defendants in a single pleading.

III. MOTION TO STRIKE

Plaintiff moves to strike the affirmative defenses raised by Defendants in their answer. (D.I. 31) Defendants oppose. (D.I. 46) The Court will deny the motion to strike as the affirmative defenses are adequately pled.

IV. MOTION FOR AN EXTENSION OF TIME

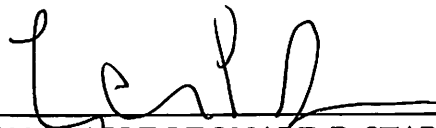
Plaintiff seeks an extension of time to comply with all deadlines. (D.I. 41) The Court will deny the motion as moot, there being no deadlines imposed upon Plaintiff.

V. CONCLUSION

For the above reasons, the Court will: (1) deny without prejudice to renew the motions to amend (D.I. 29, 44); (2) deny the motion to strike (D.I. 31); (3) deny as moot the motion for an extension of time (D.I. 41); and (4) enter a scheduling and discovery order.

An appropriate Order follows.

March 19, 2018
Wilmington, Delaware



HONORABLE LEONARD P. STARK
UNITED STATES DISTRICT JUDGE