

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

JOHN EDWARD PARKER,

Plaintiff,

v.

CASE NO. 1:09-cv-00029-MP-AK

MIKE SINGLETARY,

Defendant.

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ORDER

This matter is before the Court upon the filing of Plaintiff's Third Amended Complaint, which the Plaintiff titled a "Supplemented" Complaint. (Doc. 55). Rule 15, Federal Rules of Civil Procedure, requires leave of court before filing an amended or supplement pleading after an answer has been filed. Plaintiff did not seek leave of court prior to filing the third amended complaint. Further, Plaintiff has named additional defendants and raises new claims of retaliation by them for his exercise of First Amendment rights, particularly his filing of grievances. (Doc. 55). The original claims in this matter concern use of force and sexual assault by one defendant. (See Doc. 16).

Rule 15(d), Federal Rules of Civil Procedure, provides that supplemental pleadings may be filed when events occur after the date of the original pleading, but there must be a reasonable relationship between the original and supplemental pleadings or leave should be denied. See 61A Am. Jur. 2d *Pleading* §733 (2009). The Court is afforded broad discretion in allowing supplemental pleadings. Harris v. Garner, 216 F.3d 970 (11th Cir. 2000). Plaintiff attempts to relate the proposed new claims to the original pleading by alleging that these proposed

defendants are colleagues of Defendant Singletary and Singletary “must have shared [his] dispute” with them. (Doc. 55, p. 6). Plaintiff offers no facts to support these allegations, and the Court finds that such conclusory allegations are insufficient to justify leave to file a supplemental pleading under Rule 15(d), Federal Rules of Civil Procedure. Further, undue delay and prejudice would result from allowing these new claims at this time since the present case is nearing the end of the discovery phase of development, and Plaintiff has not explained why the dates of the alleged acts of retaliation appear to have occurred over a year ago and he is only now seeking leave to add them to this lawsuit. Plaintiff should file a separate lawsuit to assert these claims for which he will incur separate court costs.

Accordingly, it is

ORDERED AND ADJUDGED:

That the Third Amended Complaint is STRICKEN.

DONE AND ORDERED this 5th day of March, 2010

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge