

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 07-21256-CIV-JORDAN

JOHN B. THOMPSON)
)
Plaintiff)
)
vs.)
)
THE FLORIDA BAR, et al)
)
Defendants)
_____)

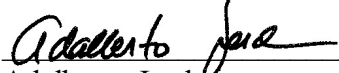
ORDER DENYING MOTION FOR LEAVE TO AMEND

Mr. Thompson's motion for leave to amend his complaint to add me as a defendant [D.E. 149] is DENIED. On September 7, 2007, after Mr. Thompson had already amended his complaint twice, I entered an order granting leave to file a third amended complaint, but stated that no further amendments would be permitted without a showing of good cause. *See* "Omnibus Order" [D.E. 88 at 3-4]. In his motion, Mr. Thompson has not alleged (or even attempted to allege) good cause for seeking a further amendment to the complaint. Therefore, his request is denied.

But even if he had alleged good cause, his request to amend the complaint to add me as a defendant should be denied because the claims that he has threatened to bring against me do not arise out of the same transaction or occurrence as the claims currently pending in this case, nor would the threatened claims involve common legal or factual questions. A plaintiff seeking to join claims against multiple defendants must assert (1) a right to relief based on the same transaction or occurrence, and (2) a common question of law or fact with respect to all parties. *See* Fed.R.Civ.P. 20(a) ("All persons . . . may be joined in one action as defendants if there is asserted against them jointly, severally, or in the alternative, any right to relief in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all defendants will arise in the action."). *See also* 7 Charles Alan Wright, Arthur R. Miller, & Mary Kay Kane, *Federal Practice and Procedure*, § 1653 (3d ed.2001). The claims currently pending in this lawsuit arise from the Bar's prosecution of disciplinary complaints against Mr. Thompson. Specifically, Mr. Thompson seeks review of alleged violations of his constitutional rights that have occurred in connection with those proceedings. Mr. Thompson's threatened action against me relates only to

orders that I entered in this lawsuit. The factual and legal issues in the threatened lawsuit against me would in no way overlap with the constitutional claims already raised by Mr. Thompson. Thus, under Rule 20(a), joinder of the threatened claims is not proper.

DONE and ORDERED in chambers in Miami, Florida, this 5th day of October, 2007.



Adalberto Jordan
United States District Judge

Copy to: All counsel of record