

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 09-22754-CIV-SEITZ/WHITE

ANTHONY L. MOORE,

Plaintiff,

v.

WALTER A. McNEIL, *et al.*,

Defendants.

ORDER AFFIRMING AND ADOPTING REPORT OF MAGISTRATE JUDGE

THIS MATTER is before the Court upon the Report of Magistrate Judge issued by the Honorable Patrick A. White, United States Magistrate Judge [DE-133]. In the Report, Magistrate Judge White recommends that Plaintiff's "Supplemental Proposed Motion to Amend Complaint" [DE-117] be denied because the amendments fail to state a cause of action and because of its untimeliness. Plaintiff filed his civil rights complaint, alleging violations of 42 U.S.C. § 1983, on September 15, 2009. The proposed amendments seek to add additional unnamed/unknown defendants, a defendant previously dismissed by the Court, and negligence claims against two new defendants. The Magistrate Judge specifically noted that Plaintiff has not explained why he is only now seeking to name additional defendants. While Plaintiff has filed Objections to the Report [DE-136], he has not addressed any of the issues raised by the Report; instead, he has simply reiterated his new claims against the proposed new defendants.

While generally, under Federal Rule of Civil Procedure 15(a), leave to amend should be freely given when justice so requires, a district court need not allow amendment where there has been undue delay, bad faith, dilatory motive, or repeated failure to cure deficiencies by amendments

previously allowed. *Bryant v. Dupree*, 252 F.3d 1161, 1163 (11th Cir. 2001). In this case, Plaintiff has previously amended the complaint and has not explained why he has waited so long to seek to amend the complaint again and to name new defendants. Further, as the Report noted, the claims against the proposed new defendants do not state causes of action under § 1983. Finally, this Court finds that allowing the addition of new defendants would substantially delay the resolution of this case, which has progressed quite far, including the filing of and ruling on a motion for summary judgment.


Having carefully reviewed, *de novo*, Magistrate Judge White's thorough Report, the Objections, and the record, it is hereby

ORDERED that:

(1) The above-mentioned Report of Magistrate Judge [DE-133] is AFFIRMED and ADOPTED.

(2) Plaintiff's "Supplemental Proposed Motion to Amend Complaint" [DE-117] is DENIED.

DONE and ORDERED in Miami, Florida, this 9th day of February, 2012.



PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE

cc: Magistrate Judge White
All counsel of record/*Pro se party*