

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

TREVOR BARNES,)	
)	
Plaintiff,)	
)	
v.)	CV 116-015
)	
CAPTAIN BRETT CARANI, et al.,)	
)	
Defendants.)	

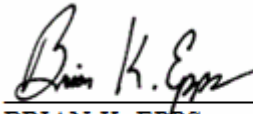
ORDER

Before the Court is Defendants’ Motion to Dismiss and/or Strike Plaintiff’s Amended Complaint. (Doc. no. 23.) On December 18, 2016, Plaintiff filed an amended complaint signed November 22, 2016, seeking to add claims against all Defendants. (Doc. no. 18.) Because Plaintiff did not seek the Court’s leave to amend and attempted to amend his complaint piecemeal, the Court ordered Plaintiff to submit within fourteen days a motion to amend his complaint and an amended complaint with all of the allegations and defendants in one document. (Doc. no. 20, p. 2-3.) The Court informed Plaintiff “[i]f [he] wishes to amend his complaint, he **MUST** file a motion and an amended complaint in accordance with the following instructions [in the Order].” (Id. at 3.)

Plaintiff did not file a motion to amend, but rather filed another amended complaint identical to his first. (Doc. no. 22.) Because he did not follow the Court’s instructions and request leave of the Court and the deadline to add or amend has now expired, his amended complaint is improper. See Fed. R. Civ. P. 15(a)(2) (“[A] party may amend its pleading only

with the opposing party's written consent or the court's leave."); see also Long v. Satz, 181 F.3d 1275, 1279 (11th Cir. 1999) ("Filing a motion is the proper method to request leave to amend a complaint."). Accordingly, the Court **GRANTS** Defendants' Motion to Strike Plaintiff's Amended Complaint (doc. no. 23) and **STRIKES** Plaintiff's Amended Complaints (doc. nos. 18, 22) from the record. The case will proceed on the allegations in Plaintiff's original complaint. (Doc. no. 1.)

SO ORDERED this 17th day of January, 2017, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA