

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

MARLON O. GILARD,	)	
	)	
Plaintiff,	)	
	)	Case No. 3:16-cv-537-JPG-DGW
v.	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

**ORDER**

**WILKERSON, Magistrate Judge:**

This matter is before the Court on Plaintiff’s Motion to Amend (Doc. 8). For the reasons set forth below, the Motion is **GRANTED IN PART AND DENIED IN PART**.

Plaintiff seeks leave to amend his complaint to include additional medical records and set forth information concerning additional medical issues that Plaintiff asserts were unknown at the time he filed his original complaint. Plaintiff also seeks to invoke his right to a trial by jury.

Federal Rule of Civil Procedure 15(a) provides that a party may amend a pleading, and that leave to amend should be freely given when justice so requires. Yet, “courts in their sound discretion may deny a proposed amendment if the moving party has unduly delayed in filing a motion, if the opposing party would suffer undue prejudice, or if the pleading is futile.” *Soltys v. Costello*, 520 F.3d 737, 743 (7th Cir. 2008) (quoting *Campania Mgmt. Co. v. Rooks, Pitts & Poust*, 290 F.3d 843, 848-49 (7th Cir. 2002)).

Under SDIL-LR 15.1, “a proposed amendment to a pleading or amended pleading itself” must be submitted with a motion to amend a pleading. As such, Local Rule 15.1 does not allow for amendment of a pleading by interlineation — the amended complaint must stand on its own

without reference to any document Plaintiff may have filed earlier.

In this instance, Plaintiff did not provide the Court with an amended complaint that can stand on its own; rather, Plaintiff provided the Court with a number of documents, mainly various medical records. Plaintiff has not proffered any additional allegations against Defendant related to these documents. Plaintiff's proposed amendment to his complaint fails to comply with Local Rule 15.1 and, as it fails to lodge any particular allegations against Defendant, it appears to be futile and his motion to amend to supplement his complaint with these documents is **DENIED**. However, insofar as Plaintiff seeks a trial by jury, his motion is **GRANTED**.

**IT IS SO ORDERED.**

**DATED: April 7, 2017**



**DONALD G. WILKERSON**  
**United States Magistrate Judge**