

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

LUTHER GRAY,)	
Plaintiff,)	
v.)	No. 1:08-cv-263-DFH-TAB
)	
DR. PAUL A. TALBOT, et al.,)	
)	
Defendants.)	

Entry Concerning Selected Matters

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. The defendants’ motion to compel (dkt 25) is **granted**. The plaintiff shall respond to the written discovery previously served on him within fourteen (14) calendar days from the date this Entry is issued.

2. The plaintiff’s motion to amend complaint (dkt 26) seeking to add officers of Correctional Medical Services (“CMS”) as defendants in this action is **denied**. Although Rule 15(a) of the *Federal Rules of Civil Procedure* directs courts to freely permit leave to amend "when justice so requires," the rule does not require that leave be granted in every case. *Park v. City of Chicago*, 297 F.3d 606, 612 (7th Cir. 2002). In particular, “the court should not allow the plaintiff to amend his complaint when to do so would be futile.” *Moore v. Indiana*, 999 F.2d 1125, 1128 (7th Cir. 1993). CMS has already been named as a defendant in this action. There is no theory or allegation identified or suggested in the motion to amend which would support liability of the officers of CMS. The proposed amendment would therefore be futile and will not be permitted.

3. The plaintiff’s motion for physical examination (dkt 29) is **granted** to the extent that if the plaintiff secures an expert willing to conduct a physical examination of the plaintiff the court will assist in facilitating the plaintiff’s availability for it, but is **denied** to the extent that through such motion the plaintiff seeks the expenditure of public funds to acquire such an expert and pay for his or her services.

So ordered.



DAVID F. HAMILTON, Chief Judge
United States District Court

Date: 11/26/2008

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