

Bradford v. Avery et al SEE DEFS TERMED WITH DISMISSAL AT 035,6 AND 035,13 Doc. 18

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

JAQUAN BRADFORD,

Plaintiff,

vs.

**CHARLES KROGMEIER, SALLY
TITUS, JEANNE NESBIT,
DEBORAH HANUS, IONA AVERY,
JOAN GERBO, ROBERT
HENDRICKS,**

Defendants.

No. C14-0131

**ORDER REGARDING MOTIONS TO
AMEND**

This matter comes before the Court on the Motion to Amend Complaint (docket number 12) filed by the Plaintiff on February 20, 2015, and the Motion to Amend Complaint (docket number 16) filed by the Plaintiff on March 10. Pursuant to Local Rule 7.c, the motions will be decided without oral argument.

The defendants in this case have been added, removed, and substituted more often than baseball players in a spring training game. On December 9, 2014, Plaintiff filed his initial complaint naming eight defendants, including Charles Palmer, Richard Shults, Deborah Hanus, Iona Avery, Joan Gerbo, Revae Gabriel, Deb Wilkins, and Robert Hendricks.

On January 14, 2015, Plaintiff voluntarily dismissed Defendants Revae Gabriel and Deb Wilkins.

On February 10, 2015, Defendants filed a partial motion to dismiss. Among other things, Defendants asked that Charles Palmer and Richard Shults be dismissed as defendants. Plaintiff filed a resistance to the motion, but subsequently filed a dismissal of Charles Palmer and Richard Shults on February 20.

Also on February 20, Plaintiff filed a motion to amend his complaint, adding “State of Iowa/Department of Human Services AKA Iowa Juvenile Home” as a defendant, together with Charles Krogmeier. In their response filed on February 26, Defendants do not object to Charles Krogmeier being substituted for Charles Palmer, but argue that “State of Iowa/Department of Human Services aka Iowa Juvenile Home” is not a properly named defendant. Plaintiff has not replied to Defendants' resistance, and the time for doing so has now expired. Moreover, Plaintiff's most recent motion to amend seems to abandon his effort to name “State of Iowa/Department of Human Services aka Iowa Juvenile Home” as a defendant.

On March 10, 2015, Plaintiff filed his second motion to amend complaint, seeking to add Sally Titus and Jeanne Nesbit as defendants. According to the motion, “Defense counsel has no objection to the amendment.”

Accordingly, it would appear that the parties are in general agreement — for the time being — that the seven defendants identified in the proposed Second Amended Civil Rights Complaint (docket number 16-1) reflects the current line-up. Therefore, the Court finds that Plaintiff's first motion to amend should be denied as moot and Plaintiff's second motion to amend should be granted.

ORDER

IT IS THEREFORE ORDERED that Plaintiff's first Motion to Amend (docket number 12) is **DENIED** as moot and Plaintiff's second Motion to Amend (docket number 16) is **GRANTED**. The Clerk of Court is directed to detach and separately docket the

Second Amended Civil Rights Complaint (docket number 16-1) attached to Plaintiff's second motion.

DATED this 10th day of March, 2015.



JON STUART SCOLES
CHIEF MAGISTRATE JUDGE
NORTHERN DISTRICT OF IOWA