

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT OWENSBORO
CIVIL ACTION NO. 4:06-CV-P107-M**

JAMES R. HAZELWOOD

PLAINTIFF

v.

PATTI WEBB *et al.*

DEFENDANTS

MEMORANDUM OPINION AND ORDER

Currently before the Court is Plaintiff's motion to amend his complaint to add additional defendants. Specifically, Plaintiff requests leave to amend his complaint to add Commissioner John Rees, Lieutenant Felicia Howard, and Sergeant Ricky Cary. All of these individuals were involved in the decision to allow Plaintiff to waive protective custody and remain in the general prison population. As explained in more detail in the Court's Memorandum Opinion on summary judgment, prison officials acted reasonably in allowing Plaintiff to return to the general population. Plaintiff's proposed amendments do not indicate otherwise. The only issue this Court has determined that cannot be resolved on summary judgment is whether Plaintiff reported a threat to Defendants Mason and Adkins on or about June 6, 2006, and if so, whether they acted reasonably in failing to remove Plaintiff from the general prison population at that time. Plaintiff does not allege the proposed new defendants were involved in the June 2006 events. Leave should be denied where the amendment would be futile. *Yuhasz v. Brush Wellman, Inc.*, 341

F.3d 559, 569 (6th Cir. 2003). The Court concludes the proposed amendment would be futile.

Accordingly, Plaintiff's motion (DN 76) is **DENIED**.

Date:

cc: Plaintiff, *pro se*
Counsel of record

4414.008