

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

JUAN PERNELL VERRETTE

VERSUS

CRAIG WEBRE, ET AL

CIVIL ACTION

NO. 08-4240

SECTION "A"(3)

ORDER AND REASONS

The plaintiff, Juan Pernell Verrette, has filed a second Motion to Amend (Rec. Doc. No. 26) seeking to add claims wholly unrelated to the facts of the original complaint. Verrette again seeks to add claims that the prison has adopted unconstitutional policies which effect his access to an adequate law library and his ability to correspond with other inmates. He also complains generally about the prison's policies related to incoming and outgoing mail.

Rule 15(a) of the Federal Rules of Civil Procedure provides that leave to amend pleadings "shall be freely given when justice so requires." Rule 15(a) evinces a liberal amendment policy and a motion to amend should not be denied absent a substantial reason to do so. See Jacobsen v Osborne, 133 F.3d 315, 318 (5th Cir. 1998). However, leave to amend is by no means automatic. Wimm v. Jack Eckerd Corp., 3 F.3d 137, 139 (5th Cir. 1993); Addington v. Farmer's Elevator Mut. Ins. Co., 650 F.2d 663, 666 (5th Cir. 1981). The decision to grant or deny a motion for leave to amend lies within the sound discretion of the trial court. Addington, 650 F.2d at 666.

In exercising its discretion, the Trial Court may consider such factors as “undue delay, bad faith, or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, and futility of the amendment.” Gregory v. Mitchell, 634 F.2d 199, 203 (5th Cir. 1981). Leave to amend should be denied when doing so is required for fairness to the party opposing the motion for leave to amend. Zenith Radio Corp. v. Hazeltine Research, Inc., 401 U.S. 321 (1971).

As noted above, Verrette’s proposed amendment presents new claims which are unrelated to the factual basis of those claims before the Court. Verrette has not shown good cause for this Court to allow the amendment of unrelated claims into this litigation. Accordingly,

IT IS ORDERED that Verrette’s **Motion to Amend (Rec. Doc. No. 26)** is **DENIED**.

New Orleans, Louisiana, this 5th day of March, 2009.



DANIEL E. KNOWLES, III
UNITED STATES MAGISTRATE JUDGE