

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

JONATHAN MICHAEL RUIZ

CIVIL ACTION

VERSUS

NO. 13-5406

JAMES LeBLANC, ROBERT TANNER, ET. AL

SECTION: "C" (4)

ORDER AND REASONS

Before this Court is a Motion for Leave to File an Amended Complaint under Rule 15(a) of the Federal Rules of Civil Procedure brought by the *pro se* plaintiff, Jonathan Ruiz. Rec. Doc. 24. Having considered the record and the law, the Court has determined that the Motion for Leave to File an Amended Complaint is DENIED for the following reasons.

FACTUAL SUMMARY

The plaintiff is incarcerated in B.B. "Sixty" Rayburn Correctional Center (RCC) in Angie, Louisiana. On August 12, 2013, the plaintiff filed a complaint under 42 U.S.C. §1983 against the defendants: James LeBlanc, Secretary of the Department of Corrections; Warden Robert Tanner of the RCC; Lieutenant Colonel Billy Anderson, the Chairman of the Disciplinary Board; Don Wheat, an unknown titled-employee of the RCC; and Lorell Morris, an unknown titled employee of the RCC. Rec. Doc. 3. The complaint alleged two civil rights violations, which are discussed with specificity in the Court's Order Adopting the Report and Recommendation. Rec. Doc. 22; *Ruiz v. LeBlanc*, 2014 WL 880620 (E.D.La. 2014). The Court denied the plaintiff's complaint as frivolous and for failure to state a claim for which relief can be granted on February 28, 2014. Rec. Doc.22.

ANALYSIS

The plaintiff seeks leave to file a supplement to his original complaint for the purpose of "fixing defects, narrowing capacities that Plaintiff is suing the Defendants, correcting typos, emphasizing actions/failures/interests, and particularizing claims." Rec. Doc. 24. Rule 15 of the Federal Rules of Civil Procedure dictates that leave to amend pleadings "shall be freely given when justice so requires." Fed.R.Civ.P. 15(a). However, the "grant or denial of an opportunity to amend [a complaint] is within the discretion of the district court." *Foman v. Davis*, 371 U.S. 178, 182 (1962). When considering a motion to amend a complaint, the Court should examine whether a proposed amendment would be futile, made in bad faith, result in undue delay, or cause prejudice to the opposing party. *Gregory v. Mitchell*, 634 F.2d. 199, 203 (5th Cir. 1981). In his motion, the plaintiff is not seeking to add new factual allegations, but rather to more specifically describe the factual allegations previously asserted. Rec. Doc. 24. The Court has already denied the complaint as frivolous. Therefore, to allow the plaintiff to amend the complaint would be futile based on the motion presented before the Court.

Accordingly,

IT IS ORDERED that the plaintiff's Motion for Leave to File an Amended Complaint is DENIED. Rec. Doc. 24.

New Orleans, Louisiana, this __19__ day of _____ March _____, 2014.


UNITED STATES DISTRICT JUDGE