

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

MATTHIAS FRANCOIS

CIVIL ACTION

VERSUS

NO. 14-338

JEFFERSON PARISH, ET. AL

SECTION: "C" (5)

ORDER AND REASONS

Before this Court are two Motions for Leave to Supplement Complaint to Add Attachments under Rule 15(a) of the Federal Rules of Civil Procedure brought by the *pro se* plaintiff, Matthias Francois. Rec. Docs. 5 and 7. Having considered the record and the law, the Court has determined that the Motions for Leave to Supplement Complaint to Add Attachments are GRANTED for the following reasons.

FACTUAL SUMMARY

The plaintiff was arrested on October 24, 2012 and charged with violations of La. R.S. 14:59A(5) (Criminal Mischief - Filing a False Police Report) and La. R.S. 14:285A (Harassing Phone Calls). Case No. 13-2640, Rec. Docs. 25 and 25-1. The charges are open and pending against the plaintiff. *Id.* After his arrest, the plaintiff was found incompetent to proceed to trial in a sanity hearing. *Id.* On February 13, 2014, the plaintiff filed the complaint at issue. Rec. Doc. 3. The complaint alleges that the plaintiff's psychologist, Rafael Salcedo, and psychiatrist, Richard Richoux, committed medical malpractice when they determined that the plaintiff was

mentally incompetent to proceed to trial. *Id.* On February 13, 2014, the plaintiff filed his first Motion to Supplement. Rec. Doc. 5. In this motion, the plaintiff asserts that he is competent to stand trial and attaches a psychiatrist report in support of his claim. *Id.* On March 5, 2014, the plaintiff filed his second Motion to Supplement. Rec. Doc. 7. In the second motion, the plaintiff lists the names of the two defendants's insurance companies and states that he is "suing the insurer directly each Insurance company i [sic] demand a sum of 500,000 Dollars from each insurance company listed on this document." *Id.* at 1.

ANALYSIS

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). At this early stage in the proceedings, and with no opposition to the motions having been filed, the Court finds that leave to supplement the complaint to add attachments can be granted without prejudice to the defendants.

Accordingly,

IT IS ORDERED that the plaintiff's Motions for Leave to Supplement Complaint to Add Attachments are GRANTED . Rec. Docs. 5 and 7.

New Orleans, Louisiana, this 26 day of March , 2014.


UNITED STATES DISTRICT JUDGE