

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ROBERT LATROY WHITE (#241145)

CIVIL ACTION

VERSUS

JOE LAMARTINIERE, ASS'T WARDEN, ET AL.

NO. 11-0215-JJB-CN

O R D E R

This matter comes before the Court on the plaintiff's Motion for Leave to Amend, rec.doc.no. 22. This motion shall be denied. On January 24, 2012, a Magistrate Judge's Report was entered herein, rec.doc.no. 20, recommending dismissal of the above-captioned proceeding as legally frivolous and for failure to state a claim upon which relief may be granted.

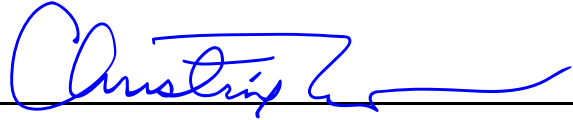
Whereas leave to amend should be freely granted when justice requires and, moreover, should be granted when to do so would cure deficiencies in a plaintiff's pleadings, see Rule 15(a)(2) of the Federal Rules of Civil Procedure, such leave need not be granted where the plaintiff has apparently alleged his "best case", and the underlying defect in his case will not be cured by the amendment. See, e.g., Watson v. Walton, 68 F.3d 465 (5th Cir. 1995); Wilson v. Zimmerman, 2008 WL 2699740 (E.D. La., July 1, 2008). In the instant case, the plaintiff's proposed amendment provides no new factual information and does nothing more than reiterate the claims asserted in the original Complaint.

Accordingly, the amendment would not alter the Court's original conclusion and, so, is not warranted.

Therefore,

IT IS ORDERED that the plaintiff's Motion for Leave to Amend, rec.doc.no. 22, be and it is hereby **DENIED**.

Signed in chambers in Baton Rouge, Louisiana, February 21, 2012.

A handwritten signature in blue ink, appearing to read "Christine Noland", is written over a horizontal line.

MAGISTRATE JUDGE CHRISTINE NOLAND