

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FRANCIS BRAUNER (#405665)

VERSUS

CIVIL ACTION

SHIRLEY COODY, ET AL

NUMBER 12-314-BAJ-SCR

RULING ON MOTION FOR LEAVE TO AMEND COMPLAINT
and
ORDER

Before the court is the plaintiff's Request for Summons by United States Marshall (sic) which shall be treated as a motion for leave to amend the complaint and to issue trial subpoenas. Record document number 14.

Pro se plaintiff, an inmate confined at Louisiana State Penitentiary, Angola, Louisiana, filed this action pursuant to 42 U.S.C. § 1983 against Asst. Warden Shirley Coody, Asst. Warden Kenneth Norris, Dr. Jonathan Roundtree, Dr. Jason Collins, Dr. McMurdo, Sharon Dunbar, and nurses Rose, Chuck, Kim, Megan, Melinda, Tammy, Gina and Pruitt. Plaintiff alleged that the defendants were deliberately indifferent to his serious medical needs. Specifically, the plaintiff alleged that he is paraplegic and is not receiving adequate medical treatment for severe decubitus ulcers.

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Service was ordered¹ and on October 11, 2012, summons was returned executed on defendants Coody, Norris, Dr. Collins, Dr. Roundtree, Dr. McMurdo and Sharon Dunbar.² Summons was returned unexecuted as to defendants Rose, Chuck, Kim, Megan, Melinda, Tammy, Gina and Pruitt.³

Plaintiff sought leave of court to amend the complaint to substitute Rosie Washington, Chuck Dugas, Kim Plylar, Megan Ruffin, Melinda Thomas, Tammy Jack and Sherwood Poret for the defendants previously identified as Rose, Chuck, Kim, Megan, Melinda, Tammy, Gina and Pruitt.

Plaintiff also sought leave of court to amend the complaint to name as defendants Dr. Charles Barkemeyer and Dr. Randy Lavesphere.

Plaintiff may amend his complaint once as a matter of course. Rule 15(a), Fed.R.Civ.P. Second and subsequent amendments require consent of the defendant or leave of court.

Accordingly, the plaintiff's motion for leave to amend the complaint is granted.

Furthermore;

IT IS ORDERED that Rosie Washington, Chuck Dugas, Kim Plylar, Megan Ruffin, Melinda Thomas, Tammy Jack and Sherwood Poret be

¹ Record document number 5.

² Record document number 13.

³ *Id.*

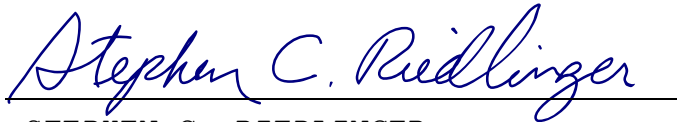
substituted for the defendants previously identified as Rose, Chuck, Kim, Megan, Melinda, Tammy, Gina and Pruitt.

IT IS FURTHER ORDERED that the defendants Rosie Washington, Chuck Dugas, Kim Plylar, Megan Ruffin, Melinda Thomas, Tammy Jack, Sherwood Poret, Dr. Charles Barkemeyer and Dr. Randy Lavesphere be served with the original and amended complaints, record document numbers 1 and 14, in accordance with law.

IT IS FURTHER ORDERED that the U.S. Marshal serve the defendants wherever found.

IT IS FURTHER ORDERED that the plaintiff's motion to issue trial subpoenas is denied as premature.

Baton Rouge, Louisiana, December 5, 2012.



STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE