

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**MONROE DIVISION**

<b>MARK HANNA</b>	<b>*</b>	<b>CIVIL ACTION NO. 10-1059</b>
		<b>SECTION P</b>
<b>VERSUS</b>	<b>*</b>	<b>JUDGE ROBERT G. JAMES</b>
<b>MARK SHUMATE, ET AL.</b>	<b>*</b>	<b>MAG. JUDGE KAREN L. HAYES</b>

**ORDER**

Before the court are three motions filed by pro se plaintiff Mark Hanna: a “Motion for Leave to Verify the Complaint” [doc. # 31]; and two “Motion[s] for Leave to Amend and Supplement the Complaint . . .” [doc. #s 32 & 34].<sup>1</sup> The court addresses each, in turn.

**1) Motion for Leave to Verify the Complaint**

By this motion, plaintiff seeks leave of court to submit a declaration that verifies, under penalty of perjury, the allegations contained in paragraphs 1-158 of the complaint. *See* Declaration of Mark Hanna, [doc. # 31-1]. The declaration neither changes the allegations in the complaint, nor adds any claims or parties; it merely serves to permit the court to consider the factual averments in the complaint as competent summary judgment evidence in the event that defendants file a dispositive motion. Accordingly, plaintiff’s motion for leave to verify the complaint [doc. # 31] is hereby GRANTED.

---

<sup>1</sup> Also pending is plaintiff’s motion to compel defendants to file an adequate answer to the complaint. [doc. # 29]. That motion, however, is not addressed in this order.

**2) Motions for Leave to Amend and Supplement the Complaint**

Upon review of the two motions for leave to amend [doc. #s 32 & 34], it is apparent that they are identical, save that they bear different signature dates, and the proposed amended pleading attached to the later-filed motion is typewritten, instead of handwritten. Under these circumstances, the earlier-filed motion for leave to amend [doc. # 32] is hereby DENIED, as superfluous.

Furthermore, because defendants have filed responsive pleadings in this matter, they must be afforded an opportunity to oppose plaintiff's remaining motion for leave to amend his complaint [doc. # 34], provided, of course, that they have a good faith basis for doing so. Accordingly, the Clerk of Court is directed to set the remaining motion for leave to amend [doc. # 34] for contradictory hearing.<sup>2</sup>

IT IS SO ORDERED.

THUS DONE AND SIGNED in chambers, at Monroe, Louisiana, this 2<sup>nd</sup> day of December 2010.

  
KAREN L. HAYES  
U. S. MAGISTRATE JUDGE

---

<sup>2</sup> I.e., issue a notice of motion setting, without date.