

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NAJIB SHOUCAIR,

Plaintiff,

vs.

MILLICENT WARREN AND
CORRECTIONS OFFICERS
DOE 1 AND DOE 2,

Defendants.

Case No. 07-12964

Anna Diggs Taylor
United States District Judge

Michael Hluchaniuk
United States Magistrate Judge

**ORDER REGARDING PLAINTIFF’S MOTION TO AMEND
COMPLAINT AND DENYING MOTION TO COMPEL (Dkt. 32)**

This matter is before the Court on plaintiff’s motion entitled “Plaintiff’s Protest to Defense Objection to Providing Records & Request for Administrative (Judicial) Review.” (Dkt. 32). Plaintiff appears to request that the Court permit him to amend his complaint to substitute the “Doe” defendants for two named correctional officers. He did not, however, attach a proposed amended complaint to his motion, which is required by Local Rule 15.1. Thus, plaintiff has 30 days from entry of this Order to submit a proposed amended complaint that complies with Local Rule 15.1, which requires that “[a]ny amendment to a pleading, whether filed as a matter of course or upon a motion to amend, must ... reproduce the entire

pleading as amended, and may not incorporate any prior pleading by reference.”

The Court is not deciding, at this time, whether plaintiff may amend his complaint.¹

Rather, the Court leaves that determination until such time as plaintiff has submitted his proposed amended complaint. At that time, the Court will consider any arguments defendants may wish to submit after reviewing plaintiff’s submission.

In addition, plaintiff asked the Court to overrule defendant’s objection to his discovery requests. Plaintiff “protests” defendant’s alleged failure to provide certain documents to him and defendant’s objection that his discovery requests are overly broad and unduly burdensome. Plaintiff has not, however, attached any discovery requests that he served on defendant or defendant’s response to those requests. In accordance with the Local Rule 37.2, “[a][ny discovery motion...shall include, in the motion itself or in an attached memorandum, a verbatim recitation of each interrogatory, request, answer, response, and objection which is the subject of the motion or a copy of the actual discovery document which is the subject of the motion.” Based on the foregoing, the Court **DENIES** plaintiff’s motion to

¹ Courts are liberal in allowing parties to amend complaints, “which reinforces one of the basic policies of the federal rules – that pleadings are not an end in themselves but are only a means to assist in the presentation of a case to enable it to be decided on the merits.” 6 Charles A. Wright, Arthur R. Miller & Mary Kay Kane, Federal Practice and Procedure § 1473, at 521 (2d ed. 1990).

compel, **WITHOUT PREJUDICE**. Should plaintiff comply with Rule 37.1, and otherwise submit a proper motion to compel, the Court may revisit these discovery issues.

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service as provided in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not assign as error any defect in this Order to which timely objection was not made. Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), objections must be served on this Magistrate Judge.

Date: October 28, 2008

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on October 28, 2008, I electronically filed the foregoing pleading with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Clifton B. Schneider, and I certify that I have mailed by United States Postal Service the foregoing pleading to the plaintiff, a non-ECF participant, at the following addresses: Najib Shoucair, # 252899, COOPER STREET CORRECTIONAL FACILITY, 3100 Cooper Street, Jackson, MI 49201.

s/James P. Peltier
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