

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRYL BAKER,

Plaintiff,

CIVIL ACTION NO. 09-10360

v.

DISTRICT JUDGE NANCY G. EDMUNDS

BANNUM PLACE OF SAGINAW,
LaTOYA BURNSIDE, DOROTHY
JONES, CLAIRINET McFADDEN,
VERTRICE ROBY, MR. LYONS,
MARK A. CUNEEN, JODY BRADELY,
HENRY HOBSON and MS. FRIERSON,

MAGISTRATE JUDGE MARK A. RANDON

Defendants.

**OPINION AND ORDER REGARDING PLAINTIFF'S MOTION
FOR LEAVE TO FILE SECOND AMENDED COMPLAINT**

Plaintiff, a former halfway house resident at Bannum Place of Saginaw, filed this action stating claims cognizable under 42 U.S.C. § 1983. On March 18, 2009, Plaintiff filed a Motion For Leave to File Second Amended Complaint (Dkt. #5). On July 22, 2009, Plaintiff's case was referred to the undersigned for all pretrial proceedings pursuant to 28 U.S.C. §636(b)(1)(A). For the following reasons, IT IS ORDERED that Plaintiff provide this Court with a proposed amended complaint (with proposed changes clearly marked).

Opinion

Under Fed. R. Civ. P. 15(a), a party may amend its pleading once as a matter of course before being served with a responsive pleading. Since Defendants have not yet been served,

Plaintiff may be entitled to amend his complaint. However, leave to amend may always be denied if the proposed amendment is futile. *Foman v. Davis*, 371 U.S. 178, 182 (1962).

Due to the fact that Plaintiff failed to submit a copy of his proposed amended complaint with his motion in accordance with E.D. Mich. L. R. 15.1, or fully explain in his motion how he wishes to amend his complaint, the undersigned cannot make a determination on Plaintiff's motion for leave to amend. Accordingly, Plaintiff is ordered to submit his proposed amended complaint on or before August 14, 2009, so that the Court may determine whether the proposed amendment(s) can be allowed. Plaintiff's proposed amended complaint shall be clearly marked to delineate where changes have been proposed to be made from the original complaint.

Accordingly, IT IS ORDERED that Plaintiff shall submit a pleading titled "Proposed Amended Complaint" on or before August 14, 2009, with all proposed changes clearly delineated, or this motion will be deemed dismissed.

SO ORDERED.

s/Mark A. Randon
Mark A. Randon
United States Magistrate Judge

Dated: July 30, 2009

Certificate of Service

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, July 30, 2009, by electronic and/or ordinary mail.

S/Melody R. Miles
Case Manager, (313) 234-5540