

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN JACOBSON, #430119,

Plaintiff,

CIVIL ACTION NO. 10-13046

v.

DISTRICT JUDGE AVERN COHN

DEBRA SCUTT; HAYES,
Maintenance Worker; PATINO,
Maintenance Worker; and C/O
CATHCART,

MAGISTRATE JUDGE MARK A. RANDON

Defendants.

_____/

**ORDER DENYING PLAINTIFF'S MOTION FOR A RULE 16 CONFERENCE (DKT. 35)
AND GRANTING-IN-PART AND DENYING-IN-PART PLAINTIFF'S
MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT (DKT. 37)**

This matter is before the Court on Plaintiff's motion for a Rule 16 conference (Dkt. 35) and for leave to file an amended complaint. The Court deems a Rule 16 Conference unnecessary and **DENIES** that motion.

Plaintiff's motion for leave to amend seeks to add Larry Ford as a defendant. However, as Defendants point out, Plaintiff's proposed amended complaint also attempts to include additional parties as Defendants: the Michigan Department of Corrections ("MDOC"), Warden Debra Scutt and other John Doe defendants. The Court **GRANTS** the motion for leave to amend as to Larry Ford, and **ORDERS the Michigan Attorney General** to provide his last known address *under seal* to the Court

on or before **June 13, 2012**. After Mr. Ford is served, the parties may request an additional period of discovery, limited to Mr. Ford.

Plaintiff's motion for leave as to the other proposed defendants is **DENIED** as futile. The MDOC has sovereign immunity by virtue of the Eleventh Amendment. The addition of Warden Debra Scutt would be futile as she has already been dismissed from the case (Dkt. 5), and adding "Unknown Defendants (MDOC Employees)" is futile as John Doe defendants are not proper parties and discovery is now closed.

It is so ordered.

s/Mark A. Randon
MARK A. RANDON
UNITED STATES MAGISTRATE JUDGE

Dated: May 22, 2012

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on the attorneys and/or parties of record by electronic means or U.S. Mail on May 22, 2012.

s/Melody R. Miles
Case Manager to Magistrate Judge Mark A. Randon