

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

WILLIAM WENTWORTH FOSTER,)
)
Plaintiff,)
)
v.) No. 1:12-CV-00116-JAR
)
GEORGE LOMBARDI, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's pro se Request for Leave to File Supplemental Complaint pursuant to Rule 15(d), Fed.R.Civ.P., to "redress a retaliatory occurrence that happened after the date of the complaint to be supplemented," and specifically the alleged termination of his chronic care medication. [ECF No. 24] Defendants have not filed a response in opposition to Plaintiff's request. Supplemental pleadings are intended to cover matters occurring after the original complaint is filed and are permitted pursuant to exercise of the district court's discretion. See, United States ex rel. Kinney v. Stoltz, 327 F.3d 671, 673 n. 4 (8th Cir.2003). While the Eighth Circuit does not appear to have set forth the standard to be applied to the Court's exercise of discretion concerning a motion for leave to file a supplemental pleading under Rule 15(d), a leading federal practice treatise states that principles allowing the liberal amendment of pleadings also apply to supplemental pleadings. Riggs v. City of Owensville, 2011 WL 1576723, at *2 (E.D.Mo. April 26, 2011) (citing 3 James Wm. Moore, et al., Moore's Federal Practice § 15.30 (3d ed.2010)). Upon consideration, the Court will grant Plaintiff's request.

This matter is also before the Court on Defendants' Motion to Extend Discovery

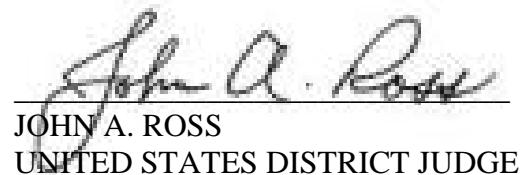
Deadline. [ECF No. 28] Defendants request an additional two weeks, up to and including March 18, 2013, in which to respond to Plaintiff's discovery requests. Defendants' motion will be granted.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Request for Leave to File Supplemental Complaint [24] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to docket Plaintiff's First Supplemental Complaint which was submitted as an attachment to his Request for Leave, as Plaintiff's First Supplemental Complaint.

IT IS FURTHER ORDERED that Defendants' Motion to Extend Discovery Deadline. [28] is **GRANTED**. The deadline to respond to discovery requests is extended from March 4, 2013 to March 18, 2013.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

Dated the 5th day of March, 2013.