

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

YAPHET MARTIN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:13CV00048 SPM
	)	
JAMES HURLEY, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff’s motion to file an amended complaint and for an extension of time to do so [ECF No. 9]. Plaintiff has not submitted a proposed amended complaint.

To obtain leave to file an amended complaint, “a party must submit the proposed amendment along with its motion.” Clayton v. White Hall School Dist., 778 F.2d 457, 460 (8th Cir. 1985); see Wolgin v. Simon, 722 F.2d 389, 395 (8th Cir.1983) (“Absent some indication as to what might be added to the complaint to make it viable, the [moving party] is not entitled to leave to amend.”). Because plaintiff has not submitted his proposed amendment, the Court will deny the motion.

The Court denies as moot plaintiff’s request for additional time to file an amended complaint. The Federal Rules of Civil Procedure allow a plaintiff to file an amendment “when justice so requires.” Fed. R. Civ. P. 15(a)(2).

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to amend [ECF No. 9] is  
**DENIED** without prejudice.

Dated this 9th day of July, 2013.

/s/ Shirley Padmore Mensah  
SHIRLEY PADMORE MENSAH  
UNITED STATES MAGISTRATE JUDGE