

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for leave to amend the complaint and for discovery. The motion is denied without prejudice.

Plaintiff requests leave to amend the complaint by adding Warden Dean Minor for “malicious indifference in this matter.” Plaintiff has not submitted an amended complaint. “[I]n order to preserve the right to amend the 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). Because plaintiff has not submitted an amended complaint, the request must be denied.

Plaintiff's request for discovery is premature. See E.D. Mo. L.R. 16 - 5.01, 16 - 5.04 (discovery in prisoner cases may not take place until Court enters a Case Management Order).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to amend the complaint and for discovery [ECF No. 9] is **DENIED** without prejudice.

Dated this 23rd day of October, 2015

Henry Edmund Astley

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE