

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES SMALLEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:10CV319 RWS
)	
MICHAEL GAMACHE, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff’s motion for reconsideration. On January 3, 2011, I denied plaintiff’s motion to add parties without prejudice because it was not accompanied by a proposed amended complaint that set out his claims and allegations against these proposed defendants. Plaintiff now claims he was merely trying to substitute the names of two John Doe defendants who are alleged to be deputy sheriffs at the St. Louis City Justice Center. Plaintiff’s motion for reconsideration also includes documents with the correct spelling of these proposed defendants. The Court will construe plaintiff’s motion as a motion to substitute parties and will grant the motion.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion for reconsideration, which the Court construes as a motion to substitute parties, [#20] is granted, and defendants Joseph B. Pree and Chris A. Canava are substituted for two of the John Doe defendants in plaintiff’s complaint.

IT IS FURTHER ORDERED that the Clerk shall issue process or cause process to issue upon the complaint as to defendants Joseph B. Pree and Chris A. Canava, who are alleged to be deputy sheriffs at the St. Louis City Justice Center.

IT IS FURTHER ORDERED that, pursuant to 42 U.S.C. § 1997e(g)(2), defendants Free and Canava shall reply to plaintiff's claims within the time provided by the applicable provisions of Rule 12(a) of the Federal Rules of Civil Procedure.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 7th day of February, 2011.