

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JEFFREY DRURY,	:	
	:	
Plaintiff,	:	Civ. No. 15-2137 (RBK) (KMW)
	:	
v.	:	
	:	MEMORANDUM AND ORDER
M. DEBELLIS,	:	
	:	
Defendant.	:	
	:	

The plaintiff is a state prisoner proceeding pro se with a civil complaint filed pursuant to 42 U.S.C. § 1983 and the Americans with Disabilities Act. On July 27, 2015, this Court screened plaintiff’s complaint pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A to determine whether it should be dismissed as frivolous or malicious, for failure to state a claim upon which relief may be granted, or because it seeks monetary relief from a defendant who is immune from suit. The Court permitted plaintiff’s claims against defendant Debellis to proceed past screening.

Currently pending before the Court are two “amended petitions” filed by plaintiff. The Court construes these “amended petitions” as plaintiff’s attempts to amend his complaint.

Rather than seek to supplant the original complaint, it appears as if plaintiff seeks through his “amended petitions” to supplement his original complaint that was already screened by the Court. However, this is improper as a matter of procedure. Indeed, as one leading treatise has stated:

[T]o ensure that the pleadings give notice of all the issues that are in the controversy so they can be handled and comprehended expeditiously, the safer practice is to introduce an amended pleading that is complete in itself, rather than one that refers to the prior pleading or seeks to incorporate a portion of it. . . . Even if the pleading is lengthy and involved, a self-contained amended pleading will assist the parties and the court in dealing with the

issues better than one that is replete with references to another pleading.

6 CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 1476 (3d ed.).

Therefore, this Court will deny plaintiff's "amended petitions" without prejudice.

Accordingly, IT IS this 9th day of October, 2015,

ORDERED that plaintiff's "amended petitions" (Dkt. Nos 12 & 14), which this Court has construed as requests to amend the complaint, are denied without prejudice.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge