

[ECF No. 31]

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

TRAVIS HEFFLEY,

Plaintiff,

v.

**FEDERAL BUREAU OF PRISONS FCI
FORT DIX et al.,**

Defendants.

Civil No. 17-3647 (NLH/SAK)

OPINION AND ORDER

This matter is before the Court by way of a Motion for Leave to File an Amended Complaint [ECF No. 31] (“Motion”) by Plaintiff Travis Heffley, *pro se*, (“Plaintiff”); and there being no opposition to the motion; and whereas the Court has an “obligation to liberally construe a *pro se* litigant’s pleadings” (*see Higgs v. Atty. Gen. of the U.S.*, 655 F.3d 333, 339 (3d Cir. 2011), *as amended*, (Sept. 19, 2011)); and whereas the Court finds that Plaintiff seeks to amend the complaint to name six, rather than five, individual defendants who participated in the alleged incident underlying his claims; and whereas pursuant to Fed. R. Civ. P. 15(a)(2), leave to amend pleadings “shall be freely given when justice so requires”; and whereas a court should allow a party to amend its pleading so long as there is no undue delay, bad faith, dilatory motive, undue prejudice or futility of the amendment (*see Shane v. Fauver*, 213 F.3d 113, 115 (3d Cir. 2000)); and whereas the Honorable Noel L. Hillman, U.S.D.J., directed the Clerk to substitute the John Doe defendants with the names of the six individuals identified in the Form 583 Report of Incident—Christopher Ebinger, Gregory Dobovich, John Mathes, Kevin Bullock, Mark

Holterman, and Robert Samynek (*see* November 9, 2020 Memorandum and Order [ECF No. 17]); and whereas Plaintiff's present motion seeks to add the identical substituted defendants as new defendants; and whereas the Court finds that Plaintiff's requested relief was previously granted; and the Court exercising its discretion to decide Plaintiff's motion without oral argument (*see* FED. R. CIV. P. 78; L. CIV. R. 78.1); and for good cause shown,

IT IS THEREFORE ORDERED this **16th** day of **May 2022**, that Plaintiff's Motion for Leave to File an Amended Complaint [ECF No. 31] is **DENIED** as moot. The six individuals sought to be added—Christopher Ebinger, Gregory Dobovich, John Mathes, Kevin Bullock, Mark Holterman, and Robert Samynek—are already named as defendants in this action.

s/ Sharon A. King _____
SHARON A. KING
United States Magistrate Judge