

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA

MARK DANIEL LYTTLE,)
)
 Plaintiff,)
)
 v.)
)
 THE UNITED STATES OF AMERICA;)
 DASHANTA FAUCETTE, Enforcement)
 Officer, U.S. Immigration and Customs)
 Enforcement; DEAN CAPUTO,)
 Enforcement Officer, U.S. Immigration and)
 Customs Enforcement; ROBERT)
 KENDALL, Enforcement Officer, U.S.)
 Immigration and Customs Enforcement;)
 ICE DOES 1-10, Immigration and Customs)
 Enforcement Officials and Agents;)
 MARILYN STEPHENSON, Admissions)
 Technician, North Carolina Department of)
 Correction; MARY HINES, Case Analyst,)
 North Carolina Department of Correction;)
 and NORTH CAROLINA DOES 1-10,)
)
 Defendants.)

CASE NO. 4:10-cv-142

UNOPPOSED MOTION TO AMEND
COMPLAINT TO SUBSTITUTE
PARTIES

Pursuant to Federal Rules of Civil Procedure 15(a)(2) and 21, Plaintiff Mark Daniel Lyttle (“Plaintiff” or “Mr. Lyttle”) hereby files this Unopposed Motion to Amend the Complaint to Substitute Parties. The Proposed Amended Complaint is attached hereto as Exhibit “A.” In support of this Motion, Plaintiff avers:

1. On October 13, 2010, Plaintiff filed this civil rights action seeking injunctive relief and compensatory and punitive damages as a result of the wrongful and illegal detention and deportation of Plaintiff by officials from the North Carolina Department of Correction (“DOC”) and United States Immigration and Customs Enforcement (“ICE”).

2. At the time the Complaint was filed, Plaintiff could not obtain the names of the individual DOC officials who had participated in Plaintiff’s illegal detention and deportation.

3. Through discovery in a parallel action in the North Carolina Industrial Commission, Plaintiff recently obtained the names of those individual DOC officials, including Marilyn Stephenson, an Admissions Technician with DOC, and Mary Hines, a DOC case analyst.

4. Consequently, Plaintiff seeks to amend his complaint to properly name Stephenson and Hines as Defendants, and to drop the North Carolina DOC as a separate Defendant.

5. Plaintiff avers that this proposed amendment is proffered in the interest of expediency, fairness and clarity, and not for purposes of delay.

6. Counsel for the North Carolina DOC has advised the undersigned that DOC consents to that portion of this Motion that would drop DOC as a party but takes no position on that portion of the Motion seeking to add Stephenson and Hines as individual defendants.

7. Counsel for the Federal Defendants has advised the undersigned that the Federal Defendants take no position on the Motion.

8. Pursuant to Federal Rule of Civil Procedure 15(a)(2), this Court should freely give leave to amend a pleading when justice so requires.

WHEREFORE, Plaintiff Mark Daniel Lyttle respectfully requests that this Court grant him leave to amend his complaint as set forth in Exhibit A.

Respectfully submitted this 27th day of April, 2011.

**AMERICAN CIVIL LIBERTIES UNION
OF NORTH CAROLINA LEGAL FOUNDATION**

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/s/ Judy Rabinovitz

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CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2011, I electronically filed the foregoing Unopposed Motion to Amend Complaint to Substitute Parties with the Clerk of Court using the CM/ECF system, which will send notification of such filing to counsel of record.

This the 27th day of April, 2011.

/s/ Katherine Lewis Parker
Katherine Lewis Parker