UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:18-cv-00057-FDW

JAMES W. LOMICK,)	
Plaintiff,)	
vs.)) <u>ORDE</u>	<u>R</u>
KEN BEAVER, et al.,)	
Defendants.))	

THIS MATTER is before the Court on Plaintiff's proposed Amended Complaint [Doc. 42], which the Court construes as a motion to amend complaint.

Plaintiff filed his original Complaint on April 2, 2018. [Doc. 1]. Plaintiff has opened and closed his case several times and filed or sought to file multiple amended complaints. Defendants Beaver and Bynum have filed an Answer. [Docs. 32]. Once a defendant has filed a responsive pleading, a plaintiff must move the Court for leave to amend his complaint, which should be freely given when justice so requires. FED. R. CIV. P. 15(a)(2). Plaintiff's proposed Amended Complaint drops three Defendants he had previously named, Christy Bynum, Jeffrey Krantz, and Breanna Jackson, and adds another Defendant, Maranda Mims, identified as a Captain at Alexander Correctional Institution. [Doc. 42 at 3].

The Court will grant Plaintiff's motion to amend his Complaint. The Plaintiff is cautioned, however, that no further amendments or further addition of defendants will be allowed absent extraordinary circumstances.

IT IS, THEREFORE, ORDERED that:

(1) Plaintiff's motion to amend complaint [Doc. 42] is **GRANTED**.

- (2) The Clerk is respectfully instructed to file Plaintiff's Proposed Amended Complaint [Doc. 42] as Plaintiff's Third Amended Complaint and to correct the docket to reflect the current Defendants in this matter.
- (3) This Court recently enacted Local Rule 4.3, which sets forth a procedure to waive service of process for current and former employees of the North Carolina Department of Public Safety ("NCDPS") in actions filed by North Carolina State prisoners. The Clerk of Court shall commence the procedure for waiver of service as set forth in Local Rule 4.3 for Defendants Maranda Mims, Dave Mitchell, and George Sodom, who are a current or former employee of NCDPS.

IT IS SO ORDERED.

Signed: May 31, 2019

The 24

Frank D. Whitney Chief United States District Judge