

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

ANTONIO DAVIS,	)	Civil Action No.: 4:12-cv-3429-RMG-TER
	)	
Plaintiff,	)	
	)	
-vs-	)	
	)	<b>ORDER</b>
	)	
RICHLAND COUNTY, SHERIFF LEON	)	
LOTT, DEP. SARA GIRON, DEP.	)	
ADRIAN THOMPSON, DEP. ADAM	)	
CORNWELL, and RICHLAND COUNTY	)	
SHERIFF’S DEPARTMENT;	)	
	)	
Defendants.	)	
_____	)	

Plaintiff, who is proceeding pro se, brings this action pursuant to 42 U.S.C. § 1983, alleging that he was subjected to racial profiling and excessive force during an arrest. Presently before the court is Plaintiff’s Motion to Amend his Complaint (Document # 42) and Plaintiff’s Motion to Compel (Document # 52). All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 73.02(B)(2)(d), DSC.

Plaintiff seeks to amend his Complaint to add allegations that Defendants Leon Lott and Richland County negligently hired, trained, supervised, or disciplined the officers and established a custom and/or policy of allowing officers to use excessive force against civilians without facing any discipline. Defendants consent to the Motion. Rule 15(a)(2), Fed.R.Civ.P., provides that leave to amend a pleading should be given freely when justice so requires. Thus, Plaintiff’s Motion to Amend (Document # 42) is **GRANTED**. The Clerk’s Office is directed to file Plaintiff’s Motion as the Amended Complaint and attach to it the original Complaint.

As a result of the filing of an Amended Complaint, the Report and Recommendation (Document # 19) entered by the undersigned is hereby vacated and a new Report and

Recommendation is entered herewith.

Plaintiff also seeks an order compelling Defendants to respond to certain discovery requests. Plaintiff asserts the he served discovery requests on Defendants, who refused to provide the requested information. However, Plaintiff did not attach to his Motion a copy of his discovery requests or Defendants' discovery responses as required by Local Rules 37.01(B) and 7.04, D.S.C. Thus, his Motion to Compel (Document # 52) is **DENIED**.

**IT IS ORDERED.**

s/Thomas E. Rogers, III  
Thomas E. Rogers, III  
United States Magistrate Judge

October 24, 2013  
Florence, South Carolina