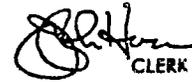


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

JUL 19 2017


CLERK

<p>TRAVIS RAY MCPEEK, Plaintiff, vs. UNKNOWN PENNINGTON COUNTY OFFICERS, SGT. CASS, JAIL ADMINISTRATOR PAYER, Defendants.</p>	<p>4:17-CV-04015-RAL OPINION AND ORDER DENYING MOTION FOR LEAVE TO FILE AMENDED COMPLAINT</p>
---	--

Plaintiff Travis R. McPeek (“McPeek”), an inmate at the Yankton County Jail in Yankton, South Dakota, filed this lawsuit pursuant to 42 U.S.C. § 1983. McPeek now moves this Court to grant him leave to file an amended complaint. Doc. 30. Defendants oppose his motion. Doc. 32; Doc. 33.

McPeek seeks to amend his complaint in order to eliminate defendants and claims that this Court dismissed in its order screening his amended complaint. Doc. 30 ¶¶ 1, 3. This is unnecessary; these defendants and claims have already been dismissed, and no action is required from McPeek. However, if and when McPeek might receive leave to amend his complaint, he may eliminate defendants and claims that have been dismissed.

McPeek also seeks to amend his claims and the amount he requests in damages. *Id.* ¶¶ 3, 4. McPeek may do so if he wishes, but he must follow the local rules which state that “any party moving to amend a pleading will attach

a copy of the proposed amended pleading to its motion to amend with the proposed changes highlighted or underlined so that they may be easily identified.” D.S.D. Civ. LR 15.1.

Finally, McPeek seeks to amend his complaint in order to name the “unknown” defendants. Doc. 30 ¶ 2. He argues that he will learn these defendants’ names through discovery requests that he has already sent to defendants. *Id.* At this time, McPeek’s request is premature. If he has the names to add to his complaint, he may move to amend his complaint and include those defendants’ names in his attached proposed amended complaint.

Accordingly, it is

ORDERED that McPeek’s motion for leave to file an amended complaint (Doc. 30) is denied without prejudice to refileing such a motion with an attachment of the proposed amended complaint.

Dated July 19, 2017.

BY THE COURT:



ROBERTO A. LANGE
UNITED STATES DISTRICT JUDGE