

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

<b>AARON TOBEY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>V.</b>	)	<b>Civil Action No. 3:11cv154-HEH</b>
	)	
<b>JANET NAPOLITANO, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**PLAINTIFF’S MOTION FOR  
LEAVE TO FILE SECOND AMENDED COMPLAINT**

COMES NOW Plaintiff Aaron Tobey, by counsel, pursuant to the Court’s August 10, 2011 Order for Extension of Time to Move for Joinder of Additional Party Defendants, and Rule 15(a)(2) of the Federal Rules of Civil Procedure, and herewith respectfully moves, for the reasons more particularly stated in the accompanying memorandum of law, for leave to file his Second Amended Complaint in order to name as an additional defendant in this case a TSA supervisor referred to in the Second Amended Complaint as “Jane Doe,” whose identity and involvement in the search and seizure of Aaron Tobey was first disclosed to Plaintiff during the September 26, 2011 depositions of Defendants Anthony Mason and Calvin Vann.

WHEREFORE, for the reasons stated, Plaintiff respectfully requests that the Court grant leave for him to file his Second Amended Complaint in the form attached to the accompanying memorandum of law.

Dated this 5<sup>th</sup> of October, 2011

Respectfully submitted,

By: /s/ James J. Knicely  
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*Attorneys for Plaintiff, AARON TOBEY*

## CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2011, the foregoing Plaintiff's Motion for Leave to File Second Amended Complaint was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to:

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