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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

HENRY ERIC ROUTON,	)	**CASE NO. 7:18CV00112**
	)	
Plaintiff,	)	
v.	)	**ORDER**
	)	
	)	
TERRY DAMERON,[1] ET AL.,	)	**By: Hon. Glen E. Conrad**
	)	**Senior United States District Judge**
Defendants.	)	

Plaintiff Henry Eric Routon has objected to an order entered by the magistrate judge. Pursuant to 28 U.S.C. § 636(b)(1)(A), the court construes Routon's objections as seeking the court's reconsideration of the magistrate judge's order. After review of the record, the court will overrule Routon's objections.

Routon, a prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983, bringing multiple claims of conspiracy against numerous law enforcement officials and organizations. By opinion and order entered on March 28, 2019, the court dismissed all claims against all defendants except: Routon's § 1983 claims under the Fourth Amendment against Dameron and Norton in their individual capacities for conspiracy, unreasonable search and seizure, and use of excessive force on arrest on January 19, 2018, and the related state law claims of assault and battery against these defendants. Dameron and Norton have filed a motion for summary judgment.

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In December 2019, Routon filed a motion for leave to file a second amended complaint, seeking to reraise and rephrase the already dismissed conspiracy claims against past defendants and others. The magistrate judge denied leave to amend, noting that Routon had amended his

[1] The Clerk will be directed to change the style of the case to: Routon v. Dameron.

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complaint on three prior occasions, that he now sought to add numerous additional claims and defendants to the case, and that he had still not filed a response to the pending motion for summary judgment, despite being granted two extensions of time to do so.

Routon objects to the denial of leave to amend, claiming that the proposed amended complaint incorporates information he learned during discovery. The court will overrule his objections. Routon's proposed complaint adds claims against eight additional defendants in conclusory fashion, alleging that these individuals somehow conspired to assist or coverup the alleged misdeeds of Dameron and Norton. Routon has offered no factual matter to support his conspiracy theories or to show that any of the additional defendants was personally involved in, or responsible for, the actions of Dameron and Norton. Accordingly, the court finds Routon's proposed amendments to be futile, belated, and largely repetitious of claims already dismissed from this case in March 2019.

Routon also states that he intended his motion for leave to file an amended complaint and its attachments to be, in the alternative, a response to the summary judgment motion. The court will direct that these submissions be so considered.

For the reasons stated, it is hereby

ADJUDGED AND ORDERED

that Routon's objections to the magistrate judge's order, ECF No. 250, are **OVERRULED**; that the order denying his motion for leave to amend is **AFFIRMED**; that his objections and attachments, ECF No. 250, will be **CONSIDERED** as his response to the summary judgment motion; and the Clerk is **DIRECTED** to change the style of the case to: Routon v. Dameron.

ENTER: This 30th day of December, 2019.

Senior United States District Judge