

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

JOHN MARK COLLINS, II  
Administrator of the Estate  
of Mattie Collins McGuire,

Plaintiff,

v.

CIVIL ACTION NO. 1:22-00139

THE MCDOWELL COUNTY COMMISSION,  
et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

Pending before the court is plaintiff's motion for leave to file an amended complaint. (ECF No. 19). As grounds for that motion, plaintiff states that he needs to substitute a party. That motion was not accompanied by a memorandum in support. Local Rule of Civil Procedure 7.1(a)(2) does not require that a motion to amend be accompanied by a memorandum in support. However, the rule does require a motion to substitute a party be accompanied by a memorandum. Given that plaintiff seeks to substitute a party in his motion to amend, that court hereby exercises its "discretion to direct a movant to submit a memorandum to accompany any other type of motion." Id. Therefore, plaintiff is **DIRECTED** to file a memorandum in support of his motion to amend within 14 days of entry of this Order.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record and unrepresented parties.

**IT IS SO ORDERED** this 21st day of September, 2022.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written above a solid horizontal line.

David A. Faber

Senior United States District Judge