

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

GARY W. STOCKING, :  
Plaintiff, :  
 :  
v. : CASE NO. 3:11-cv-587 (WWE)  
 :  
MIDDLETOWN POLICE DEPT., et al., :  
Defendant. :

RULING ON MOTION TO AMEND [Doc. #13]

On May 27, 2011, the court dismissed the complaint because the plaintiff failed to identify any cognizable defendant. The dismissal was without prejudice to the plaintiff filing a motion to reopen accompanied by an amended complaint if he could identify the police officers involved in his claim. Instead of filing a motion to reopen, the plaintiff chose to appeal the dismissal. The case is now pending before the Court of Appeals.

The plaintiff has moved to amend his complaint "to avoid further dismissals." The court cannot consider any amendment to the complaint until the appeal is concluded or withdrawn. Accordingly, the plaintiff's motion [**Doc. #13**] is **DENIED** without prejudice to refiling if the plaintiff either prevails on the appeal or withdraws the appeal.

**SO ORDERED** at Bridgeport, Connecticut, this 14th day of March 2012.

\_\_\_\_\_/s/  
Warren W. Eginton  
Senior United States District Judge