

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

JOHN L. CONLEY,
Plaintiff,

v.

JOSE RIVERA, et al.,
Defendants.

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CASE NO. 3:16-cv-2083 (VAB)

ORDER

Plaintiff, John L. Conley, currently incarcerated at Northern Correctional Institution, filed this Complaint *pro se* under 42 U.S.C. § 1983. On January 20, 2017, the Court filed the Initial Review Order dismissing the claims against all Defendants except Captain Rivera. ECF No. 11. Mr. Conley has now filed a third motion to proceed *in forma pauperis*, ECF No. 10, and a motion seeking leave to amend his complaint, ECF No. 12.

The Court granted Mr. Conley’s second motion to proceed *in forma pauperis* on January 4, 2017. ECF No. 9. As the Court granted *in forma pauperis* status before Mr. Conley filed his third motion, on January 10, 2017, ECF No. 10, the third motion is **DENIED** as moot.

Mr. Conley also seeks leave to amend his Complaint to add exhibits. ECF No. 12. The Federal Rules of Civil Procedure require only that plaintiffs provide a “short and plain statement of the claim[s]” they wish to bring. *See* Fed. R. Civ. P. 8(a)(2). As there is no requirement to submit documentary evidence with a complaint, amendment to add exhibits is generally not required. Furthermore, although Mr. Conley’s motion states that the exhibits “reflect the identity and the actions of the defendant Captain Rivera,” ECF No. 12 at 1, the Court notes that the

proposed exhibits are medical records that contain no reference to Captain Rivera.

Because Mr. Conley has not submitted a proposed amended complaint, the Court cannot determine how these medical record exhibits relate to the identity and actions of Captain Rivera and, therefore, cannot properly evaluate Mr. Conley's request for leave to amend his Complaint. Although Fed. R. Civ. P. 15(a)(2) provides that "[t]he court should freely give leave" for a party to amend its pleading "when justice so requires," Fed. R. Civ. P. 15(a)(2), the Court's ability to determine whether justice requires giving leave to amend a complaint is curtailed if the motion to amend does not include a copy of the proposed amended complaint. *See Baker v. Blanchette*, Case No. 3:99-CV-548 (RNC) (DFM), 2001 U.S. Dist. LEXIS 23775, at *2-3 (D. Conn. Feb. 7, 2001) ("Common sense dictates that a party requesting leave to file an amended pleading must accompany [her] motion with a copy of the proposed amended complaint... Without the proposed amendment, it is impossible to determine whether justice requires that the amendment be granted."). Thus, if Mr. Conley wishes to amend his Complaint to add these documents as exhibits, he should file a renewed motion to amend, attach a proposed amended complaint that explains the significance of the proposed exhibits, and attach the proposed exhibits.

Mr. Conley's third motion to proceed *in forma pauperis*, **ECF No. 10**, is **DENIED** as moot and his motion to amend, **ECF No. 12**, is **DENIED** without prejudice to renewal.

SO ORDERED at Bridgeport, Connecticut, this 24th day of February, 2017.

/s/ Victor A. Bolden
Victor A. Bolden
United States District Judge