## UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT

DESHAWN TYSON,	:	PRISONER CASE NO
Plaintiff,	:	3:17-cv-731 (JCH)
	:	
V.	:	
	:	
BIANCA ALVAREZ, et al.,	:	
Defendants.	:	JUNE 21, 2018
	:	

## RULING ON PLAINTIFF'S MOTION FOR LEAVE TO AMEND (DOC. NO. 52)

The plaintiff, Deshawn Tyson ("Tyson"), currently incarcerated at MacDougall-Walker Correctional Institution in Suffield, Connecticut, has filed a Second Amended Complaint (Doc. No. 35) <u>pro se</u> under section 1983 of title 42 of the United States Code. He now seeks leave to file a Third Amended Complaint to add as defendants Chief of Police Anthony Campbell and New Haven Mayor Toni N. Harp. He has not submitted a proposed Third Amended Complaint with his Motion.

Federal Rule of Civil Procedure 15(a)(2) provides that the court should grant leave to amend when justice so requires. <u>See Turner v. Boyle</u>, 116 F. Supp. 3d 58, 96 (D. Conn. 2015) (noting that Second Circuit encourages district courts to allow <u>pro se</u> parties to amend their complaints "when justice so requires"). The decision to permit an amendment is within the district court's discretion. <u>See McCarthy v. Dun & Bradstreet</u> <u>Corp.</u>, 482 F.3d 184, 200 (2d Cir. 2007). The district court may deny leave to amend "where [a] motion is made after an inordinate delay, no satisfactory explanation is offered for the delay, and the amendment would prejudice other parties." <u>Grace v.</u> <u>Rosenstock</u>, 228 F.3d 40, 53–54 (2d Cir. 2000). Tyson states only that he "realized that there are two people in my complaint that I never mention." (Doc. No. 52) at 1. Without a proposed amended complaint setting forth his claims, the court cannot determine whether justice requires permitting a Third Amended Complaint in this case.

Tyson's Motion (**Doc. No. 52**) is **DENIED** without prejudice to refiling. Any refiled motion shall include as an exhibit a Proposed Third Amended Complaint clearly setting forth all claims that Tyson intends to pursue in this case and including all defendants in the case caption, and must be filed no later than 30 days from the date of this Order.

## SO ORDERED.

Dated this 21st day of June 2018 at New Haven, Connecticut.

<u>/s/ Janet C. Hall</u> Janet C. Hall United States District Judge