

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

**NORMAN LAURENCE, JR.**

v.

**C.A. NO. 08-109 ML**

**A.T. WALL, ET AL.**

**MEMORANDUM AND ORDER**

Jacob Hagopian, Senior United States Magistrate Judge

Plaintiff, Norman Laurence, Jr., *pro se*, an inmate at the Adult Correctional Institutions (the “ACI”) in Cranston, Rhode Island filed the instant action under 42 U.S.C. §§ 1983, 1985 & 1986, complaining that defendants are violating his civil rights (Docket # 1). Presently before the Court are five motions filed by plaintiff pursuant to Rule 15 of the Federal Rules of Civil Procedure (the “Federal Rules”), seeking to amend or supplement his complaint (Dockets ## 8, 11, 35, 39 & 65). Defendants have objected to these motions (Dockets ## 16, 20, 36, 37, 40, 41 & 70). For the reasons set forth below, the plaintiff’s motions are DENIED.

**I. Motions to Amend Under Federal Rule 15**

Under Federal Rule 15(a)(2), after an opposing party has submitted a response to a plaintiff’s complaint, the plaintiff may amend his pleading “only with the opposing party’s written consent or the court’s leave.” Fed.R.Civ.P. 15(a)(2). The court is instructed to “freely give leave when justice so requires.” *Id.* However, justice does not require leave to amend in all cases; reasons for denying a motion to amend include “undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.” *Foman v. Davis*, 371 U.S. 178, 182, 83 S.Ct. 227 (1962).

## II. Futility of Proposed Amendments

In this case, it would be futile to allow plaintiff's amendments as proposed because they fail to meet the pleading standard set forth in Federal Rule 8. Federal Rule 8(a)(2) requires that a pleading contain "a short and plain statement of the claim showing that the pleader is entitled to relief" while Federal Rule 8(e)(1) provides that each averment of a pleading shall be simple, concise and direct. Fed.R.Civ.P. 8(a)(2) & 8(e)(1). The statement should be short because unnecessary length places an unjustified burden on the court and on the party who must respond to it. *See* 5 CHARLES ALAN WRIGHT & ARTHUR R. MILLER, FEDERAL PRACTICE AND PROCEDURE § 1281 at 709 (3d ed. 2004). The statement should be plain because the principle function of pleadings under the Federal Rules is to give the adverse party fair notice of the claim asserted to enable him to answer and prepare for trial. *See Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S.Ct. 1955, 1964-65 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47, 78 S.Ct. 99 (1957)); *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2<sup>nd</sup> Cir. 1988). Additionally, to state a claim for relief, a pleading must contain factual allegations that "raise [plaintiff's] right to relief above the speculative level". *Twombly*, 127 S.Ct. at 1965.

Further, while complaints by *pro se* plaintiffs are held to less stringent standards than formal pleadings drafted by lawyers, *see Haines v. Kerner*, 404 U.S. 519, 520, 92 S.Ct. 594 (1972), a *pro se* plaintiff must still comply with procedural and substantive law, including Rule 8, *see Ahmed v. Rosenblatt*, 118 F.3d 886, 890 (1<sup>st</sup> Cir. 1997).

Here, all five of plaintiff's motions to amend fail to meet the notice pleading standard of Federal Rule 8(a). Three of the motions seek solely to add new defendants to the action, but fail to assert any specific factual allegations against any of the new defendants (Dockets # 8, 11 & 65). Instead, plaintiff simply states that he avers the same allegations and requests the same damages against these individuals as set forth in the initial complaint. In his initial complaint

plaintiff (i) names 64 defendants, ranging from ACI supervisors, staff, doctors and correctional officers to state police officers to attorneys from the Rhode Island Attorney General's Office and the ACI; (ii) sets forth seven causes of action, including six against all of the defendants and one against a particular subset of defendants; and (iii) states 27 paragraphs of factual allegations, some specific to certain individual defendants and others against all defendants. Accordingly, given the voluminous and wide-ranging factual allegations and causes of action set forth in the initial complaint, averring only "the same allegations" as in the initial complaint fails to provide each proposed new defendant fair notice of the acts for which he or she is being sued or the particular claims asserted against him or her and would not enable him or her to answer and prepare for trial. *See Salahuddin*, 861 F.2d at 42; *see also Educadores Puertorriqueños En Acción v. Hernández*, 367 F.3d 61, 68 (1<sup>st</sup> Cir. 2004)("[I]n a civil rights action ... the complaint should at least set forth minimal facts as to who did what to whom, when, where, and why...").

The two proposed amended complaints plaintiff filed seeking to add new defendants, factual allegations and causes of action (Dockets ## 35 & 39) also fail to meet Federal Rule 8(a) standards. Both are long, repetitive and confusing, and include many alleged events at the ACI that may have upset plaintiff but do not support any legitimate cause of action. Further, despite the fact that a wide range of factual allegations are made against different defendants and no factual allegations are made against a substantial number of the defendants, the proposed amendments state that most or all causes of action apply to all defendants. The proposed amendments, by failing to state with adequate particularity each defendant's alleged wrongful act and the corresponding right of plaintiff that was violated, fail to provide each defendant fair notice of the claim asserted against him.

Further, rather than present the parties and the Court with a proposed amended complaint naming all defendants, allegations and claims in one document, plaintiff seeks to incorporate the initial complaint by reference. Accordingly, the amended complaints would be added to, rather than supersede, the initial complaint. *See King v. Dogan*, 31 F.3d 344, 346 (5<sup>th</sup> Cir. 1994). The resulting complaint, which would be 60 pages and include over 150 paragraphs of factual allegations and numerous repetitive and irrelevant paragraphs, would pose a challenge for both the parties and the Court to utilize. Moreover, the Court and defendants would be unnecessarily burdened in having to sift through plaintiff's combined complaint to determine the relevant facts and the underlying claims.

Accordingly, as granting plaintiff's motions to amend, which violate Federal Rule 8, would be futile, such motions are hereby DENIED.

IT IS SO ORDERED.

/s/ Jacob Hagopian  
Jacob Hagopian  
Senior United States Magistrate Judge  
March 24, 2009