

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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SERGEY V. ANDREYEV,

Plaintiff,

ORDER

v.

09-cv-651-slc

DENNIS E. RICHARDS, BRIAN KJORLIE, ROBERT KIEFER, MATTHEW EARLL, CHRISTOPHER KUHL, KIMBERLY STILWELL, CURTIS DEBOER, ROBERT ZANON, HOLLEY DORNFELD, JOSH BRANDSMA, MICHAEL SCHLIESMAN, DAVID WEGNER, SUSAN ROBERTS, ALEX AGNEW, SUSAN BARTON, JUDY WEISS(n/k/a JUDY BEILKE) and JACOB PARKER,

Defendants.

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Plaintiff is proceeding on his claim that defendants were deliberately indifferent to his serious dental needs. On August 20, 2010, I accepted plaintiff's proposed amended complaint which replaced all references to Doe defendants with the names of the persons actually involved. Now before the court is plaintiff's motion to amend his complaint and a proposed amended complaint.

Plaintiff now seeks to add claims against two new defendants Dr. D. Suliene and Nurse McFarlene, who he alleges denied him dental care for his serious dental care for his serious medical condition in 2006. Fed. R. Civ. P. 15(a)(2) directs courts to grant leave to amend when justice so requires.

Plaintiff filed this case on October 27, 2009, over a year ago. Although he says he has just learned of these claims and defendants during discovery, I am not convinced that he did not know that he was denied medical care by these two defendants when he filed his first complaint. If he had not known their names, he could have named them as Doe defendants as he did with the other defendants. It is too late in the game to now add these defendants and claims against

them. The interests of justice do not require such an amendment. Therefore, plaintiff's motion to amend his complaint will be denied.

ORDER

IT IS ORDERED that plaintiff Sergey Andreyev's motion to amend his complaint, dkt. 89, is DENIED.

Entered this 29<sup>th</sup> day of September, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge