

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

MICHAEL MUEHL and
DANIEL R. McBRIDE,

Plaintiffs,

v.

BETH LIND,

Defendant.

ORDER

08-cv-539-sl

Plaintiffs Michael Muehl and Daniel McBride are proceeding in this case on a claim that defendant Beth Lind violated their rights under the free exercise clause of the First Amendment and the Religious Land Use and Institutionalized Persons Act by failing to have food on the kosher diet plan approved by a proper authority. Now plaintiff McBride has filed a motion for leave to file an amended complaint. I will address the merits of the motion, even though it has not been signed by both plaintiffs in this action and is not in the form of a stand-alone amended complaint.

Although the motion is very difficult to read, plaintiff McBride appears to be asking to amend his complaint pursuant to Fed. R. Civ. P. 15(a) and Fed. R. Civ. P. 19(a). He seeks to add Michael Thurmer, Chaplain Appal and Sandra Hautamaki as defendants.

According to Fed. R. Civ. P. 15, plaintiff may amend his complaint once as a matter of course before being served with a responsive pleading or with the court's leave if justice

so requires. Fed. R. Civ. P. 15(a). Because an answer has been filed in this case, plaintiff may not amend his complaint as a matter of course. Moreover, plaintiff has not shown that the interests of justice require adding defendants at this stage in the proceedings, when a pretrial conference has been held and a scheduling order entered. Also he has failed to show that the defendants are required parties under Fed. R. Civ. P. 19(a).

ORDER

IT IS ORDERED that plaintiff Daniel McBride's motion for leave to file an amended complaint, dkt. #33, is DENIED.

Entered this 24th day of February, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge