

STEPHEN KENT BLOOM,)	
)	
Plaintiff,)	CIVIL ACTION
)	
v.)	No. 01-3450-KHV
)	
K. RUHNKE, et al.,)	
)	
Defendants.)	
)	
)	

Stephen Kent Bloom brings suit under 42 U.S.C. § 1983 for violation of constitutional rights. On February 2, 2006, the Court entered an order which, inter alia, sustained in part plaintiff's motion for leave to file an amended complaint. See Order (Doc. #150). Specifically, the Court found that because the amended complaint asserts claims which are within the scope of claims which the Court has specifically allowed in the case, it contains an accurate statement of plaintiff's claims. See id. at 5. The Court, however, ruled that plaintiff could file the amended complaint only as to defendant K. Ruhnke and not as to newly proposed defendants. See id. at 5-6. As to the new defendants, the Court found that in light of plaintiff's undue delay, the interests of justice do not require the Court to grant leave to add additional parties at such a late date. See id. Plaintiff asks the Court to reconsider its order and allow him to file the amended complaint as to the new defendants. See 'Mtn.' To Amend "Order" (Doc. #153) filed February 14, 2006. Plaintiff, however, has not demonstrated an intervening change in controlling law, the availability of new evidence or the need to correct clear error or prevent manifest injustice. See D. Kan. Rule 7.3(b). Accordingly, the Court overrules plaintiff's motion to

reconsider.

In the February 2, 2006 order, the Court found that because the Attorney General's office had previously entered an appearance on behalf of Ruhnke, it was still counsel of record for Ruhnke and that service upon Ruhnke may be made by electronically serving her attorney. See Order (Doc. #150) at 6. The Court further instructed the Clerk to file the amended proposed complaint as to Ruhnke and to serve it electronically on counsel of record. Id. at 10. Through inadvertent error, the Clerk did not do so until March 6, 2006. See Doc. #157. Despite this delay, the Court finds no prejudice to defendant Ruhnke. On December 29, 2005 her attorney received a copy of the proposed amended complaint as an exhibit to plaintiff's motion for leave (Doc. #146). On February 2, 2006, defense counsel received a copy of the Court's order allowing the amended complaint as to Ruhnke. Because of the advanced stage of this litigation, pretrial proceedings are almost completed. The Court directs that in lieu of filing an answer to the amended complaint, Ruhnke include her answer and affirmative defenses in the proposed pretrial order which is due March 10, 2006.

IT IS THEREFORE ORDERED that plaintiff's 'Mtn.' To Amend "Order" (Doc. #153) filed February 14, 2006 be and hereby is **OVERRULED**.

IT IS FURTHER ORDERED that in lieu of filing an answer to the amended complaint, Ruhnke include her answer and affirmative defenses to plaintiff's amended complaint in the proposed pretrial order which is due March 10, 2006.

Dated this 6th day of March, 2006 at Kansas City, Kansas.

s/ Kathryn H. Vratil
Kathryn H. Vratil
United States District Judge