

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

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|---------------------------|---|----------------------|
| MALVIN R. SCHAMP, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | Case No. 06-4015-JAR |
| |) | |
| JOE SHEPAK, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

This matter comes before the court upon plaintiffs’ motion for leave to amend complaint (Doc. 12). The court has reviewed plaintiffs’ motion and, finding that it does not comply with the pertinent District of Kansas local rule, is prepared to rule at this time without awaiting further briefing.

District of Kansas local rule 15.1 addresses the procedure for filing motions for leave to amend and provides in pertinent part:

[A] motion to amend or a motion for leave to file a pleading or other document that may not be filed as a matter of right shall set forth a concise statement of the amendment or leave sought to be allowed ***with the proposed pleading attached.***¹

Plaintiffs’ motion does not contain any proposed pleading as an exhibit or attachment. The court is mindful that plaintiffs are proceeding *pro se*, and, as such, that their filings should be given a liberal construction.² However, the court is unwilling to extend this liberality to permit the

¹ D. Kan. Rule 15.1, *available at* <http://www.ksd.uscourts.gov/clerks/rules/index.php> (emphasis added).

² *Ledbetter v. City of Topeka*, 318 F.3d 1183, 1887 (10th Cir. 2003).

consideration of an amendment without an actual example of the proposed amendment. To do so would potentially deny opposing parties the clarity necessary to adequately evaluate and respond to plaintiffs' request and would certainly deny the court the ability to examine precisely what it is being asked to approve. As such, the court concludes that plaintiffs' motion shall be denied without prejudice for failure to comply with D. Kan. Rule 15.1.

As this matter is not yet ripe for the entry of a scheduling order to establish, *inter alia*, a deadline for the filing of motions to amend the pleadings, plaintiffs may file a new motion for leave to amend, in compliance with the applicable Federal Rules of Civil Procedure and the local rules of this court, at any time prior to the expiration of such a deadline, once such a deadline has been established.

IT IS THEREFORE ORDERED that plaintiffs' motion for leave to amend complaint (Doc. 12) is hereby denied without prejudice.

IT IS SO ORDERED.

Dated this 20th day of June, 2006, at Topeka, Kansas.

s/K. Gary Sebelius
K. Gary Sebelius
U.S. Magistrate Judge