

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

RONALD E. DAVIS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 16-2506-CM
	)	
BANK OF AMERICA, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On December 7, 2016, plaintiff, proceeding pro se, filed a motion titled “Motion to File Memorandum As Per Order Of The Court” (ECF No. 37). The motion states that it is plaintiff’s attempt to comply with “the directive of the Court order filed 11/23/16.” On November 23, 2016, U.S. District Judge Carlos Murguia issued a memorandum and order stating, among other things, that the court would not consider plaintiff’s request to amend his complaint until he complied with D. Kan. Rule 15.1, including the requirements that he “(1) Set forth a concise statement of the amendment or leave sought [and] (2) Attach the proposed pleading or other document.”<sup>1</sup>

Construing plaintiff’s current motion as a request to further amend his complaint,<sup>2</sup> the motion is denied. The motion fails to comply with Judge Murguia’s specific directive that plaintiff comply with D. Kan. Rule 15.1. First, the motion fails to “set forth a

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<sup>1</sup> ECF No. 36 at 3.

<sup>2</sup> The undersigned notes that, despite Judge Murguia’s reference to amendment of the “original” complaint, plaintiff was previously granted leave to amend his complaint (ECF No. 22) and his first amended complaint (ECF No. 23) is the currently operating complaint.

concise statement of the amendment” sought. Second, plaintiff has not attached a copy of his proposed second amended complaint. Rather, plaintiff has attached a copy of the amended complaint that has already been entered and is currently operating in this case.<sup>3</sup> Accordingly, the court is left without any means of determining what, if anything, plaintiff would like to change in his amended complaint.

Plaintiff is hereby informed that, within 14 days after he is served with a copy of this order, he may, pursuant to Fed. R. Civ. P. 72 and D. Kan. Rule 72.1.4(a), file written objections to this order by filing a motion for review of this order. Plaintiff must file any objections within the 14-day period if he wants to have appellate review of this order. If plaintiff does not timely file his objections, no court will allow appellate review.

IT IS SO ORDERED.

Dated December 14, 2016, at Kansas City, Kansas.

s/ James P. O’Hara  
James P. O’Hara  
U.S. Magistrate Judge

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<sup>3</sup> Compare ECF No. 37 at 7–14 to ECF No. 23.