

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TAMARA B. FIELDS, individually
and as personal representative for the
estate of DARTON A. FIELDS II,

Plaintiff,

v.

Case No. 21-02239-JWB

KANSAS DEPARTMENT OF CORRECTIONS,
et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's motion to add a defendant (Doc. 23) and third motion for extension of time to file a response (Doc. 34). For the reasons stated herein, Plaintiff's motion to add a defendant (Doc. 23) is DENIED and the motion for time extension (Doc. 34) is GRANTED to the extent described herein.

Plaintiff, proceeding pro se, filed her Complaint (Doc. 1) on May 25, 2021. Defendants, Kansas Department of Corrections and Jacob Snyder, filed a motion to dismiss on October 20, 2021. (Doc. 26.) Since then, Plaintiff has been granted two extensions of time to allow her to search for an attorney and perform legal research. (*See* Docs. 30, 31, 32.) Now, Plaintiff is once again requesting an extension of time by "at least an additional eight weeks to respond." (Doc. 34.) Plaintiff reasons this extension is necessary because of issues relating to COVID-19 and the recent holiday season. The court grants Plaintiff's motion but limits the extension to four weeks. If Plaintiff fails to file a timely response, the court will decide the motion as it is currently briefed.

Plaintiff also renews her request to add a new defendant to the case. Plaintiff previously filed a motion (Doc. 23) requesting to add a new defendant, but never filed a reply to Defendants' response (Doc. 25). As noted by Defendants, Plaintiff is required to follow Fed. R. Civ. P. 15(a)(2) by requesting leave of the court to file an amended complaint with the new defendant named. (*Id.* at 2.) Further, Plaintiff is required to follow local D. Kan. Rule 15.1 by attaching the proposed amended complaint to her request. Plaintiff failed to comply with either rule in her initial motion (Doc. 26) or the present motion (Doc. 34). Accordingly, Plaintiff's earlier motion to add a defendant is denied.

Plaintiff's motion to add a new defendant (Doc. 23) is DENIED and her motion for a time extension is GRANTED. Plaintiff's response to Defendants' motion to dismiss is now due on or before February 7, 2022. If Plaintiff again seeks to amend the complaint to add additional defendants, the court reminds her to do so in accordance with proper procedure.

IT IS SO ORDERED this 6th day of January, 2022.

s/ John W. Broomes
JOHN W. BROOMES
UNITED STATES DISTRICT JUDGE