UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA PANAMA CITY DIVISION

RAMON ARMAS BARRETO, JR.
Inmate # X 27467
Plaintiff,

vs.

CASE NO. 5:04 cv 165-RH\WCS

L. MC DONALD
H.A. PATE
M. SPEIGHT
C. MCKENZIE
JANE DOE KENT
Defendant.

MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT

Plaintiff Ramon Armas Barreto, Jr., pursuant to Rules 15(a) and 19(a), Fed. R. Civ. P., requests leave to file an amended Complaint adding a party.

1. The plaintiff in his original Complaint failed to include Jane Doe Kent as a defendant and correctly identify the defendants in the above styled cause.

2. Since the filing of the Complaint the plaintiff has determined that the name of defendant T. McDonald is L. McDonald, defendant Pate is H.A. Pate, defendant Spate is M. Speight and defendant Sergeant McKenzie is C. McKenzie, are amended to reflect the identities and the actions of the aforementioned defendants.

3. This Court should grant leave freely to amend Complaint. Foman v. Davis, 371 U.S. 178, 182, 83 S.Ct. 227 (1962); Interroyal Corp. v. Sponseller, 889 F. 2d. 108, 112 (6th Cir.), Cert, denied, 494 U.S. 1091 (1990)

11/22/04
DATE

RESPECTFULLY SUBMITTED,

/S/

DC# X 27467
Florida State Prison
7819 NW 228 th Street
Raiford, Florida 32026

OFFICE OF CLERK
U.S. DISTRICT CT
NORTHERN DIST. FLA.
TALLAHASSEE, FLA.

04 DEC -6 PM 2:41

FILED

UNDER PENALTIES OF PERJURY, I declare that I have read the foregoing Motion and that the facts stated in it are true and correct.

11/22/04
DATE

SIGNATURE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by United States Mail to:

CLERK, U.S. DISTRICT COURT
1 NORTH PALAFOX STREET
ROOM 226
PENSACOLA, FLORIDA 32502-5658

on this 24 day of November, 2004.

LEGAL MAIL
PROVIDED TO
FLORIDA STATE PRISON
DATE 11/24/04 FOR MAILING.
INMATES INITIALS RB

RESPECTFULLY SUBMITTED,

/S/

DC# X27467
Florida State Prison
7819 NW 228th Street
Raiford, Florida 32026