

DJW/bh

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

SAMUEL K. LIPARI,

Plaintiff,

CIVIL ACTION

v.

No. 07-2146-CM-DJW

U.S. BANCORP, N.A., et al.,

Defendants.

ORDER

This matter is before the Court on Plaintiff's Motion for Leave to Amend Petition (doc. 63). Plaintiff seeks leave "to amend his complaint to correct any deficiencies found in the second dismissal."¹ Plaintiff, who is proceeding *pro se*, does not attach a copy of his proposed amended complaint to the motion, nor does he provide a summary or a statement of what the proposed amendment consists of. He has therefore failed to comply with D. Kan. Rule 15.1, which requires a party seeking leave to amend to attach a copy of the proposed pleading to his/her motion and to provide a concise statement of the proposed amendment.²

This Court typically makes reasonable allowances to protect *pro se* litigants from inadvertently forfeiting rights because of their lack of legal training. Here, however, requiring Plaintiff's compliance with D. Kan. Rule 15.1 is not a mere formality. Plaintiff's failure to provide both a copy of the proposed amended complaint and a summary or concise statement of the proposed

¹Pl.'s Mot. for Leave to Amend Pet.. (doc. 63) at p. 1.

²D. Kan. Rule 15.1 provides that "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."

amendment leaves the Court without important information. It renders the Court unable to determine whether the Court would have jurisdiction over any proposed new claims and/or parties and whether the proposed amendments are otherwise proper. Accordingly, the Court must deny Plaintiff's motion without prejudice to re-filing a motion that complies with D. Kan. Rule 15.1.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Leave to Amend Petition (doc. 63) is denied without prejudice.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 4th day of April 2008.

s/ David J. Waxse
David J. Waxse
U.S. Magistrate Judge

cc: All counsel and *pro se* parties