

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

**Kenneth V. Fisher v. A. Herrick, Corrections Staff, LT. Clarke,
Superintendent, Mrs. Geddes, Programs Manager, J. Cockram,
Discrimination Co., Mrs. Fuzi, Law Library Co.**

No. 2:25-cv-01737-AB, United States District Court for the District of Oregon (January 21, 2026)

OPINION

Fisher

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

KENNETH V. FISHER,

Case No. 2:25-cv-01737-AB Plaintiff,

ORDER

v. A. HERRICK, Corrections Staff, LT. CLARKE, Superintendent, MRS. GEDDES, Programs Manager, J. COCKRAM, Discrimination Co., MRS. FUZI, Law Library Co., Defendants. Baggio, District Judge: Plaintiff, an adult in custody at the Powder River Correctional Facility, brings this civil rights action pursuant to 42 U.S.C. § 1983. He alleges Defendants have retaliated against him for filing a discrimination complaint and grievances. Plaintiff filed a Motion for Leave to File an Amended Complaint raising a new retaliation claim alleged to have occurred after Plaintiff initiated this litigation. See Mot. (ECF No. 5); Am. Compl. at 15-16 (ECF No. 5-1). His request to amend is therefore more appropriately considered a request to supplement. See *Cabrera v. City of Huntington Park*, 159 F.3d 374, 382 (9th Cir. 1998) (“Rule 15(d) permits the filing of a supplemental pleading which introduces a cause of action not alleged in the original complaint and not in existence when the original complaint was filed.”). Accordingly, Plaintiff’s Motion for Leave to File an Amended Complaint, construed as a motion to supplement, is GRANTED. Plaintiff also filed a Motion for Partial Summary Judgment. Mot. Summ. J. (ECF No. 7); Pl’s Aff. (ECF No. 8). Defendants have not yet filed an answer or other responsive pleading. Plaintiff’s Motion for Partial Summary Judgment is therefore DENIED as premature and without prejudice to his right to refile the Motion at a later stage of litigation.

CONCLUSION

For the reasons explained above, Plaintiff’s Motions for Leave to File an Amended Complaint, construed as a motion to supplement, (ECF No. 5) is GRANTED and Plaintiff’s Motion for Partial Summary Judgment (ECF No. 7) is DENIED as premature and without prejudice to his right to refile the Motion at a later stage of litigation. IT IS SO ORDERED. 01/21/2026 Amey Wt. Faggee

DATE Amy M. Baggio United States District Judge
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