



undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of the allowance of the amendment [and] futility of the amendment.

Foman v. Davis, 371 U.S. 178, 182 (1962). Contrary to Rule 15's great latitude to amend, a § 2254 petitioner is only allowed one opportunity to present a claim, absent specific reasons not argued by Anderson. 28 U.S.C. § 2241(b). Accordingly, Anderson's delay in seeking leave to amend until after the Magistrate Judge identified deficiencies in his Petition can only be viewed as undue delay. Further, Respondent would be prejudiced if Anderson were allowed to amend his Petition because his initial, and only statutorily allowable petition has already been fully litigated. Finally, while Anderson has not provided the Court with a copy of his proposed Amended Petition, his stated reason to request leave to amend, "to cure his procedural and/or substantive defects," Pet'r's Mot. for Leave to Amend, at 2, would be futile because the defects identified by the Magistrate Judge took place during Anderson's trial, direct appeal and while seeking post conviction relief. Amendment of Anderson's Petition could not cure these defects.

Accordingly, Anderson's Motion for Leave to Amend his Petition is DENIED. Mindful of Anderson's pro se status, the Court shall allow him until December 29, 2000 to amend his Objections to the Report and Recommendation.

BY THE COURT:

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JAMES MCGIRR KELLY, J.