

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

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JOSHUA IMMANUEL BAXTER,

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Plaintiff,

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v.

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1:08-CV-829-TMH  
(WO)

HOUSTON COUNTY, *et al.*,

\*

Defendants.

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**ORDER**

This case is presently pending before the court on a complaint filed by Joshua Baxter, an inmate incarcerated in the Houston County Jail. A review of this complaint indicates that although Plaintiff names several defendants, the complaint merely contains general conclusions of constitutional violations, and fails to identify factual allegations material to specific counts lodged against the named defendants with respect to any violations of Plaintiff’s constitutional rights.

“This type of pleading completely disregards Rule 10(b)'s requirement that discrete claims should be plead in separate counts, *see Anderson v. Dist. Bd. of Tr.*, 77 F.3d 364-366-67 (11<sup>th</sup> Cir. 1996), and is the type of complaint that [has been] criticized time and again.” *Magluta v. Samples*, 256 F.3d 1282, 1284 (11<sup>th</sup> Cir. 2001). Accordingly, the court deems it appropriate to require Plaintiff to amend his complaint to correct the deficiencies noted herein.

Accordingly, it is

ORDERED that on or before **October 31, 2008** Plaintiff shall file an amended complaint on a form for use in filing a 42 U.S.C. § 1983 complaint. *See* Local Rule 9.1 (requiring *pro se* litigants to utilize court's forms). *The amended complaint filed in compliance with this order shall supersede the original complaint.* This means that Plaintiff shall no longer rely on the original complaint and this case will proceed only on those claims raised and against those defendants named in the amended complaint filed in accordance with the order.

It is further

ORDERED that on or before **October 31, 2008** Plaintiff shall amend his complaint to provide the following additional factual information:

1. Identify specific claims relative to *actions taken against him* by the named defendants and list these claims in separate counts;
2. Describe with clarity those factual allegations that are material to each specific count against the named defendant(s); and
3. Describe how each named defendant violated *his* constitutional rights.

Plaintiff is hereby advised that the amendment to his complaint must set forth short and plain statements showing why he is entitled to relief and be specific enough to put each defendant on notice of how their conduct allegedly violated Plaintiffs' constitutional rights and should contain only claims relative to actions taken against him by the named defendants. Each allegation in the pleading should be simple, concise and direct. *See* Rule

8, *Federal Rules of Civil Procedure*. Plaintiff is further advised that his failure to timely and properly comply with the directives contained in this order will result in a Recommendation that this action be dismissed.

The Clerk is DIRECTED to furnish Plaintiff with a form for use in filing a complaint under 42 U.S.C. § 1983.

Done, this 16<sup>th</sup> day of October 2008.

/s/ Charles S. Coody  
CHARLES S. COODY  
UNITED STATES MAGISTRATE JUDGE