

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

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JAMES OSTEEEN \*

Plaintiff, \*

v. \*

\* CIVIL ACTION NO. 2:05-CV-715-A  
(WO)

LELAND ENZOR, JR., *et al.*, \*

Defendants. \*

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**ORDER**

Plaintiff is incarcerated in the Covington County Jail located in Andalusia, Alabama. He files the instant 42 U.S.C. § 1983 action complaining that his current confinement is unlawful. Plaintiff names Leland Enzor, Jr. and Sheriff Anthony Clark as defendants.

Plaintiff's complaint has been accepted for filing. However, before further proceedings in this matter are conducted, the court deems it appropriate to direct Plaintiff to amend his complaint concerning the factual allegations contained therein. Specifically, Plaintiff's amended complaint should: 1) state the charge(s)/conviction(s) on which he complains he is illegally incarcerated; and 2) identify Defendant Enzor, *e.g.*, is he a state/county official, a private citizen, *etc.*, and explain how the conduct and/or actions of this individual violated Plaintiff's constitutional rights.

*Pro se* complaints are held to a less stringent standard than those drafted by attorneys, and a complainant who submits an unartfully plead action which contains a potentially

cognizable claim should be given the opportunity to particularize his complaint in order to define his issues and to name proper defendants. *See Johnson v. Silver*, 742 F.2d 823, 825 (4<sup>th</sup> Cir. 1984). Where, as here, Plaintiff may have stated a colorable federal claim, but has failed to provide the information addressed above, he shall be an opportunity to particularize his complaint in order to furnish those details. The complainant is cautioned that his failure to file an amended complaint in compliance with the directives contained in this Order will result in the dismissal of his complaint without further notice from this court.

Accordingly, it is

ORDERED that on or before August 26, 2005 Plaintiff shall file an amendment to his complaint as directed herein. Plaintiff is forewarned that his failure to file an amended complaint in compliance with the directives contained in this order will result in a Recommendation that his complaint be dismissed without further notice from the court.

Done this 5<sup>th</sup> day of August, 2005.

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