

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

DAVID LAMAR JOHNSON, #255 052 *

Plaintiff, *

v. *

2:09-CV-339-WKW
(WO)

J.C. GILES, WARDEN, *et al.*, *

Defendants. *

ORDER ON MOTION

Pending before the court is Plaintiff's Motion for Extension of Time to file an amended complaint as directed by order entered May 12, 2009. Plaintiff seeks an additional thirty days to file his amended complaint citing limited access to the law library and his involvement in other litigation.

The court notes that Plaintiff was originally granted 21 days to file his amended complaint. The court further notes that the order directing the filing of the amended complaint stated that it should comply with F.R.Civ.P. 8(a) which requires that a plaintiff plead " 'a **short and plain statement** of the claim that will give the defendant fair notice of what the plaintiff's claim' is and the grounds upon which it rests." *Leatherman v. Tarrant County Narcotics Intelligence and Coordination Unit*, 507 U.S. 163, 168 (1993) (quoting *Conley v. Gibson*, 355 U.S. 41, 47(1957) (emphasis added); see *Fullman v. Graddick*, 739 F.2d 553, 556-57 (11th Cir. 1984) (finding vague and conclusory claims are subject to

dismissal). *Plaintiff is not required to cite to legal authority in order to support his amended complaint.*

Based on the foregoing, Plaintiff's request for an additional 30 days to file an amended complaint shall be denied. The period within which to file an amended complaint pursuant to the court's May 12, 2009 order will only be extended by an additional fifteen days. Accordingly it is ORDERED that:

1. Plaintiff's Motion for Extension of Time seeking an additional 30 days to file his amended complaint (*Doc. No. 8*) be and is hereby DENIED;

2. Plaintiff is GRANTED an extension from June 2, 2009 to and including June 17, 2009 to file an amended complaint in accordance with the court's May 12, 2009 order.

No further requests for an extension to file an amended complaint shall be entertained by the court.

Done, this 4th day of June 2009.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE