

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

STANLEY L. COONS, JR.,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	2:10cv132-MHT
	)	(WO)
DENNIS MEEKS, Sheriff,	)	
et al.,	)	
	)	
Defendants.	)	

ORDER

This case is now before the court on the magistrate judge's recommendation that defendants Dennis Meeks and Howard West's motion to dismiss be denied without prejudice as to plaintiff Stanley L. Coons, Jr.'s federal deliberate-indifference-to-medical-needs claim against them, see Recommendation (doc. no. 26), at 25-26 ("Since the Plaintiff's facts essentially provide the same level of detail, the Complaint in the instant case is sufficient to survive the motion to dismiss on the deliberate indifference to medical need claim, and the

Defendants are not entitled to qualified immunity." ), but with the direction that Coons file an amended complaint as to this claim. If Coons's medical-needs claim is adequately pled to survive qualified immunity, then there is no need for him to file an amended claim. Only if the claim is inadequately pled is there a need for him to amend the claim.

It appears, however, that the magistrate judge simply believes that Coons needs to 'clarify' his medical-needs claim. Id. at 19 & n. 9 ("[I]f this Recommendation is adopted, the Plaintiff [should] be required to amend his complaint to provide more factual detail. ... Namely, Plaintiff's amended complaint should identify the relevant Constitutional provisions that apply to Plaintiff's § 1983 cause of action, factual details about what the Defendants did and knew, how the Defendants' conduct gives rise to his claim, and what sought of relief the Plaintiff seeks from the Court."). The court suggests that the easiest way to achieve this end would

be for the magistrate judge to hold an in-person on-the-record conference with Coons and defense counsel and, at that conference, have Coons set forth in writing (1) the allegations on which he bases his claim and (2) the specific constitutional bases for the claim. At that point, Meeks and West's current dismissal motion could be denied as moot, and they could then file a new dismissal motion (if they so choose) challenging Coons's newly amended complaint setting forth his amended medical-needs claim.

Accordingly, after an independent and de novo review of the record, it is ORDERED as follows:

- (1) The magistrate judge's recommendation (doc. no. 26) is rejected as to plaintiff Stanley L. Coons, Jr.'s federal medical-needs claim against defendant Dennis Meeks and Howard West.
- (2) Plaintiff Coons's federal medical-needs claim and defendants Meeks and West's motion to dismiss (doc. no. 18) are both referred back to

the magistrate judge so that plaintiff Coons can draft and file, as suggested above in this order, an amended medical-needs claim that meets the magistrate judge's clarification requirements. As stated, defendants Meeks and West's current motion to dismiss (doc. no. 18) will then be denied as moot, and they could then file a new dismissal motion (if they so choose) challenging Coons's newly amended complaint.

DONE, this the 6th day of January, 2011.

          /s/ Myron H. Thompson            
UNITED STATES DISTRICT JUDGE