

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

EXIE TURPIN, #244 727

*

Plaintiff,

*

v.

*

2:10-CV-1094-ID
(WO)

THE ALABAMA DEPARTMENT OF
CORR., CLASSIFICATION DIVISION,

*

*

Defendant.

ORDER

This case is pending before the court on a 42 U.S.C. § 1983 complaint filed by Plaintiff, a state inmate currently confined at the Ventress Correctional Facility. The complaint, however, is deficient inasmuch as it does not name a proper defendant. *See Pennhurst State School & Hosp. v. Halderman*, 465 U.S. 89 (1984) (the Eleventh Amendment bars suit directly against a state or its agencies, regardless of the nature of relief sought).

Accordingly, it is

ORDERED that on or before **February 3, 2011**, Plaintiff shall file an amended complaint which:

1. Names the individual(s) who allegedly violated his constitutional rights;
2. Describes with particular detail how the individual(s) named as the defendant(s)

acted in violation of *his* constitutional rights. That is, Plaintiff must state specifically what

that individual defendant did or failed to do and what he or she knew; and

3. Complies 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); see *Fullman v. Graddick*, 739 F.2d 553, 556-57 (11th Cir. 1984) (finding vague and conclusory claims are subject to dismissal).

Plaintiff is advised that his failure to file an amended complaint within the prescribed time and in accordance with the directives contained in this order will result in a Recommendation that this case be dismissed for failure to prosecute and to obey the court's order.

Done, this 20th day of January 2011.

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