

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

WILBUR LEE ELLISON,)
)
 Plaintiff,)
)
 v.)
)
 STATE OF ALABAMA BOARD OF)
 PARDONS AND PAROLES, in)
 their individual and)
 official capacities,)
)
 Defendants.)

CIVIL ACTION NO.
2:14cv885-MHT
(WO)

ORDER

Now before the court is plaintiff's objection to the United States Magistrate Judge's order (doc. no. 20) that he file an amended complaint on or before October 20, 2014. After an independent and de novo review of the record, it is ORDERED as follows:

- (1) The objection (doc. no. 31) is overruled.
- (2) Plaintiff must file an amended complaint on or before November 27, 2014.
- (3) This case is referred back to the magistrate judge for additional proceedings.

Plaintiff must amend his complaint to name as a defendant each individual member of the parole board, because the law does not allow the Board of Pardons and Paroles to be sued as an entity. Also, as plaintiff seeks injunctive and declaratory relief, he must in his amended complaint allege facts demonstrating how the actions of the named defendants currently, and/or in the immediate future will, harm him. To the extent he seeks damages, he also must allege facts showing that the named defendants harmed him during the two years prior to the filing of his initial complaint.

DONE, this the 6th day of November, 2014.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE