

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

WILLIAM BRYAN HENDRY

*

Plaintiff,

*

v.

*

3:10-CV-380-ID
(WO)

LEE COUNTY DETENTION CENTER,*

Defendant.

*

ORDER

This case is pending before the court on a 42 U.S.C. § 1983 complaint filed by Plaintiff, an inmate currently confined at the Lee County Detention Center. The complaint, however, is deficient inasmuch as it does not name a proper defendant. *See Dean v. Barber*, 951 F.2d 1210, 1214 (11th Cir. 1992) (a jail is not a legal entity and, therefore, is not subject to suit or liability under § 1983).

Accordingly, it is

ORDERED that on or before **May 21, 2010**, Plaintiff shall file an amended complaint on a form for use in filing a 42 U.S.C. § 1983 complaint. *See* Local Rule 9.1 (requiring *pro se* litigants to utilize court's forms). ***Plaintiff's original complaint shall be superseded by this amended complaint.*** This means that Plaintiff shall no longer rely on the original complaint and this case will proceed only on those claims raised and against those defendants named in the amended complaint filed in accordance with the order.

It is further ORDERED that Plaintiff's amended complaint shall:

1. Names the individual(s) who allegedly violated his constitutional rights;
2. Identify specific claims relative to *actions taken against him* by the person named as a defendant(s) and list these claims in separate counts;
3. Describe 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. If there are more defendants than there are spaces on the form, Plaintiff may attach additional pages to the form, but he must follow the format contained in the form for each additional defendant and identify his claim(s) against each defendant;

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. Furthermore, the failure to plead an amended complaint that complies with F.R.Civ.P. 8(a), that is, a complaint that provides fair notice to the court and a defendant of the claim against the defendant, after being required to replead a complaint, will result in a Recommendation that the complaint be dismissed under F.R.Civ.P. 41(b) for failure to comply with the court's order. *Pelletier v. Zweifel*, 921 F.2d 1465, 1522 n.103 (11th Cir. 1991).

Plaintiff is cautioned that if he fails to comply with the directives of this order the Magistrate Judge will recommend that this case be dismissed.

The Clerk is DIRECTED to furnish Plaintiff with a form for use in filing a complaint under 42 U.S.C. § 1983.

Done, this 7th day of May 2010.

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