

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION

FAHIM JAMAL RASHAD

PLAINTIFF

v.

No. 1:13-cv-59-DPM-HDY

**JOHN FERGUSON; DELORA
McFATTER; DONALD VAULNER;
and JOHN CHIAROMONTE**

DEFENDANTS

ORDER

Magistrate Judge H. David Young has recommended, *No 5*, that the Court dismiss Rashad's complaint for failing to state a claim for which relief can be granted. Rashad has objected. *No 8*. He has also filed several papers with vaguely stated allegations of mistreatment he says suffered after he filed this lawsuit. On *de novo* review, FED. R. CIV. P. 72(b)(2), the Court adopts Judge Young's recommendation as modified. Rashad's original complaint fails to state a claim for which relief can be granted. Indeed, his claim that he was not given time to complete a shower is frivolous. The Court dismisses that claim with prejudice. Rashad's other allegations are too fact-poor to evaluate on the merits, even considered in light of later filings.

Recommendation, № 5, adopted as supplemented. Rashad's shower-based claim is dismissed with prejudice as frivolous. Motion for order, № 10, denied without prejudice. Motion to amend, № 7, granted. Rashad must file a proposed amended complaint for further screening by 16 September 2013. He should plead in one paper all specific facts he believes in good faith support each remaining claim he wants to assert.

The Court notes that Rashad has not kept his address current. Mail to him from the Clerk in a related case has been returned. *Rashad v. Sallings*, 1:13-cv-32-DPM, № 25. The same outdated address is on file for Rashad in this case. He must provide a current address to the Clerk by 16 September 2013 or the Court will dismiss this case without prejudice for failure to prosecute. Local Rule 5.5(c)(2).

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

19 August 2013