

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

SEAN R. MCCLURE,
ADC #155395

PLAINTIFF

v.

1:13CV00086-BSM-JTK

WARDEN WEEKLY

DEFENDANT

ORDER

By Order dated December November 26, 2013, this Court granted Plaintiff's Motion to Proceed In Forma Pauperis (IFP) in this action filed pursuant to 42 U.S.C. § 1983 (Doc. No. 9). The Court then provided Plaintiff with the opportunity to file an Amended Complaint, noting that he did not specifically allege any actions by the sole named Defendant, Warden Weekly (Doc. No. 12). Plaintiff has now filed an Amended Complaint, naming as a Defendant Corizon employee Billy Cowell; however, he again fails to include any specific allegations of unconstitutional actions by Defendant in his Amended Complaint (Doc. No. 13).

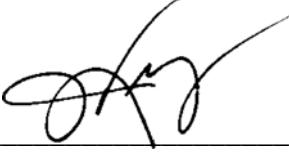
Therefore, the Court will grant Plaintiff one final opportunity in which to amend his complaint. As noted in the previous Order, an Amended Complaint renders any prior complaints without legal effect, and only claims properly set out in the Amended Complaint will be allowed to proceed.¹ Therefore, Plaintiff's Second Amended Complaint should: **1) name all the parties he believes deprived him of his constitutional rights and whom he wishes to sue in this action; 2) provide specific facts against each named Defendant in a simple, concise, and direct manner;**

¹“An amended complaint ‘ordinarily supersedes the original and renders it of no legal effect.’” In Home Health, Inc. v. Prudential Ins. Co. Of America, 101 F.3d 600, 603 (8th Cir. 1996), quoting International Controls Corp. V. Vesco, 556 F.2d 665, 668 (2d Cir. 1994) (other citations omitted).

3) indicate whether he is suing each Defendant in his/her individual or official capacity, or in both capacities; and 4) state how he was harmed.

IT IS, THEREFORE, ORDERED that Plaintiff should file a Second Amended Complaint in accordance with the above instructions within **fifteen days** from the date of this Order. The Clerk shall mail Plaintiff the Court-provided 42 U.S.C. § 1983 Complaint form. Upon the filing of the Second Amended Complaint, the Clerk shall resubmit this action to the Court for review pursuant to 28 U.S.C. § 1915(e). Plaintiff's failure to comply with the Court's instructions may result in the dismissal of this action. See Local Rule 5.5(c)(2).

IT IS SO ORDERED this 6th day of January, 2014.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE