

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

CLAUDE EDWARD FINLEY
ADC # 101945

PLAINTIFF

v. 1:15CV00131-JM-JJV

J. BAUMGARDNER, Sergeant,
North Central Unit; *et al.*

DEFENDANTS

ORDER

Claude Edward Finley (“Plaintiff”) filed this action *pro se* and pursuant to 42 U.S.C. § 1983. (Doc. No. 2.) After initial review of the Complaint, I recommended it be dismissed for failure to state a claim upon which relief could be granted. (Doc. No. 4.) Then, Plaintiff filed four separate addendums (Doc. Nos. 5-8) to his Complaint, so the district judge referred the matter back to me for additional screening.

Plaintiff’s addendums are not properly a part of his Complaint. *See Fed. R. Civ. P. 8(d)(1)* (each allegation made in pleading must be simple, concise, and direct); *Jones v. Pollard-Buckingham*, 348 F.3d 1072, 1072 (8th Cir. 2003) (per curiam) (13-page handwritten narrative complaint that clearly identified how each defendant was involved in allegedly unconstitutional conduct was proper under Rule 8); *Oglala Sioux Tribe of Indians v. Andus*, 603 F.2d 707, 714 (8th Cir. 1979) (purpose of Rule 8 requirements is to give defendant fair notice of nature, basis, and grounds of complaint). But Plaintiff may amend his Complaint rather than raising additional claims and arguments across several addendums. Plaintiff may include all of his pertinent allegations in a single Amended Complaint which complies with the rules of civil procedure. As the rule states, Plaintiff shall provide “a short and plain statement of the claim” showing he is entitled to relief and “a demand for the relief sought.” *Fed. R. Civ. P. 8(a)*. An Amended Complaint renders

his original Complaint without legal effect, so only claims properly set out in the Amended Complaint will be allowed to proceed. If Plaintiff declines to submit an Amended Complaint within twenty-one (21) days of this Order's entry, this action will proceed only on the content of the original Complaint. His various addendums will not be considered.

IT IS THEREFORE ORDERED that:

1. The Clerk shall mail the 42 U.S.C. § 1983 complaint form to Plaintiff with this Order. If Plaintiff wishes to amend his Complaint, he may complete the new complaint form in its entirety in accordance with this Order, mark it as "Amended Complaint," and file it within twenty-one (21) days of the date of this Order.

2. This action will proceed solely on the content of his original Complaint (Doc. No. 2) if Plaintiff elects not to file an Amended Complaint within the allotted time. His various Addendums and any claims raised therein will not be considered.

DATED this 11th day of January, 2016.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE