

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

KENNETH JACOBS

PLAINTIFF

VS.

CASE NO. 2:09CV00164 JLH/HDY

ARKANSAS, STATE OF

DEFENDANT

PROPOSED FINDINGS AND RECOMMENDATIONS

INSTRUCTIONS

The following recommended disposition has been sent to United States District Court Judge J. Leon Holmes. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than fourteen (14) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a hearing for this purpose before the District Judge, you must, at the same time that you file your written objections, include the following:

1. Why the record made before the Magistrate Judge is inadequate.

2. Why the evidence proffered at the hearing before the District Judge (if such a hearing is granted) was not offered at the hearing before the Magistrate Judge.
3. The detail of any testimony desired to be introduced at the hearing before the District Judge in the form of an offer of proof, and a copy, or the original, of any documentary or other non-testimonial evidence desired to be introduced at the hearing before the District Judge.

From this submission, the District Judge will determine the necessity for an additional evidentiary hearing, either before the Magistrate Judge or before the District Judge.

Mail your objections and “Statement of Necessity” to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite A149
Little Rock, AR 72201-3325

DISPOSITION

An earlier Order of the Court stated:

A review of the complaint shows that the plaintiff fails to provide facts necessary to understand the claims he wants to advance. For example, the State of Arkansas is named as a defendant, there is a reference to “national art,” and a 1999 social security case is referenced. The plaintiff is directed to file, on or before December 4, 2009, an amended complaint. The amended complaint should indicate the defendant or defendants with specificity, should state facts indicating what has occurred and when it occurred, and should indicate the relief requested by the plaintiff. A complaint must contain enough facts to state a claim to relief that is plausible on its face, not merely conceivable. Fed.R.Civ.P. 8(a)(2); *Bell Atlantic Corporation v. Twombly*, 127 S.Ct. 1955, 1974 (2007). Failure to comply with the Court’s order will result in a recommendation to dismiss the case.

Docket entry no. 6.

Since the entry of that Order, the plaintiff has filed two addendums with the Court.

(Docket entries nos. 8 & 9). Neither of these addendums shed light on the nature of the action

the plaintiff desires to pursue. Neither of the addendums comply with the Court's directives regarding the filing of an amended complaint.

Due to the plaintiff's failure to comply with the Court's directions, and his failure to state a claim, we recommend that the case be dismissed.

IT IS SO ORDERED this 29 day of January, 2010.



UNITED STATES MAGISTRATE JUDGE