

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

MICHAEL LONG JR.
ADC # 128075

PLAINTIFF

v.

No. 2:12-cv-109-DPM-BD

NWANNEM OKOYE OBI; GERALDINE
CAMPBELL; DEBRA HORTON; CHAROLETTE
GARDNER; BAGWELL; STRICKLAND;
KITTRELL; BRENDA MINOR; WENDY KELLEY;
LAU; and CORIZON MEDICAL SERVICES INC.

DEFENDANTS

ORDER

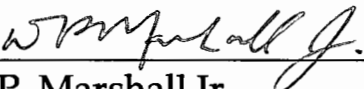
In June, Magistrate Judge Beth Deere recommended that some of Long's claims be dismissed. *Document No. 5*. Long moved to amend his complaint to cure the deficiencies Judge Deere (correctly) identified. *Document No. 16*. He has mostly done so. Long has dropped his untenable grievance-procedure claim against Brenda Minor. He has discarded the Fourteenth Amendment claim too. He proposes to keep the co-pay claim Judge Deere recommended dismissing. According to Long, he was charged a \$3 co-pay for Tylenol despite a nurse's contrary instruction. But Judge Deere is right that the claim does not reach constitutional dimensions. It is dismissed.

Otherwise Long's proposed amended complaint adds useful detail to Long's original allegations. In the circumstances, the Court declines Judge Deere's recommendation, *Document No. 5*, as moot. Long's motion to amend, *Document No. 16*, is granted; the Clerk is directed to file *Document No. 16-1* as Long's Amended Complaint.

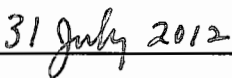
But the Court must dismiss Long's new "supplemental claim," *Document No. 16-1*, at 21-24, without prejudice. Long cannot have exhausted grievances on that claim before filing this lawsuit, because the alleged conduct happened afterward. 42 U.S.C. § 1997e(a). And his co-pay claim is dismissed as noted above.

The Court notes that some pending motions duplicate other unresolved motions. Long should focus on the quality and not the quantity of his filings. If this excessive filing continues, the Court will consider corrective restrictions on Long's filing privileges.

So Ordered.



D.P. Marshall Jr.
United States District Judge



31 July 2012