

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

**GARY COVINGTON, on behalf of himself  
and all others similarly situated**

**PLAINTIFF**

**v.**

**No. 2:12-cv-123-DPM**

**RONNIE WHITE, in his official capacity; ULESS  
WALLACE and JOHN DOES 1-5, individually and  
in their official capacities**

**DEFENDANTS**

**ORDER**

The motion to dismiss is denied without prejudice. Everyone would benefit, though, from greater specificity and clarity in Covington's pleading. An amended complaint is the best course.

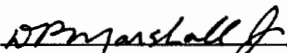
Covington must:

- Plead the date of the arrest, what Covington was arrested for, and some specific circumstances of the arrest and alleged beating;
- Plead the names of the two arresting officers, or explain why he cannot;
- Plead against specific defendants (or explain why he cannot) details about the alleged denial of medical care sufficient to state a plausible claim;
- Clarify whether he is suing Wallace in his individual capacity, and if so,

- plead facts about his individual actions that state a particular claim;
- Clarify why the City can be responsible in law for the alleged will-call policy when Covington (and others) were in the custody of Phillips County very soon after arrest; and
  - Eliminate generic allegations against “all Defendants” and unclear allegations against “Defendant” given the capacity issues and the several defendants.

Motion, *Document No. 7*, denied without prejudice. Amended complaint due by 29 March 2013.

So Ordered.

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

4 March 2013