

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

**KALIB J. DELVALLE
REG #20985-45**

PLAINTIFF

v.

Case No. 2:16-cv-00096-KGB-PSH

STANLEY GATCHEL

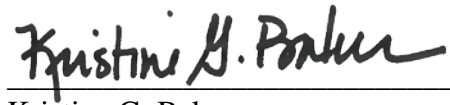
DEFENDANT

ORDER

The Court has received Proposed Findings and Recommendation from United States Magistrate Judge Patricia S. Harris (Dkt. No. 16). Plaintiff Kalib J. DelValle has filed objections to the Proposed Findings and Recommendation (Dkt. No. 22). After careful review of the Proposed Findings and Recommendation, the timely objections, as well as a *de novo* review of the record including but not limited to the evidence, affidavit, and motion to amend his complaint submitted by Mr. DelValle (Dkt. Nos. 17, 18, 21), the Court adopts the Proposed Findings and Recommendation in part (Dkt. No. 16). The Proposed Findings and Recommendation are correct in that Mr. DelValle's current complaint fails to state a claim upon which relief may be granted.

However, instead of dismissing this action, the Court grants Mr. DelValle's pending motion to amend his complaint (Dkt. No. 21). Accordingly, if Mr. DelValle intends to pursue this lawsuit, he must submit, no later than 30 days after the entry of this Order, an amended complaint explaining who the defendants in this case are and the time, place, and manner in which each defendant allegedly violated his rights. Mr. DelValle's failure to articulate an alleged violation of his constitutional rights will result in the dismissal of his complaint. The Court denies as moot all other pending motions.

So ordered this 28th day of March, 2017.

Handwritten signature of Kristine G. Baker in black ink.

Kristine G. Baker
United States District Judge