

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

RONNIE J. NIXON

PLAINTIFF

V.

3:10CV00006 WRW/JTR

LARRY MILLS,
Sheriff of Poinsett County, et al.

DEFENDANTS

ORDER

On January 14, 2010, the Court entered an Order giving Plaintiff thirty days to file an Amended Complaint clarifying “the specific ways in which Defendants Larry Mills, Paulette Arnold, and Susan Cox have *each personally participated* in failing to provide Plaintiff with adequate medical care. *See* docket entry #3 (emphasis in the original). Plaintiff has timely filed an Amended Complaint that complies with that Order. *See* docket entry #5.

However, in the January 14, 2010 Order, the Court inadvertently failed to instruct Plaintiff to clarify his claim against separate Defendant Captain Andy Allison. The Court must have this information in order to complete the screening function mandated by § 1915A. Accordingly, Plaintiff shall file, within thirty days of the entry of this Order, a Second Amended Complaint clarifying how Defendant Allison personally participated in failing to provide Plaintiff with adequate medical care.

Plaintiff has also filed “Questions,” which appear to be Interrogatories to Defendants. *See* docket entry #6. Discovery requests and responses are NOT to be filed with the Court – and, instead, should be MAILED DIRECTLY to the opposing counsel, along with a certificate of service. *See* Fed. R. Civ. P. 5(d). However, *Plaintiff cannot pursue any written discovery until after*: (1) the Court has completed screening Plaintiff’s claims and authorized the Clerk to serve Plaintiff’s

Amended Complaint on each Defendant; and (2) the Defendants have filed an Answer or otherwise responded to Plaintiff's Amended Complaint. Thus, at this time, Plaintiff is *not* permitted to begin discovery. *See* Fed. R. Civ. P. 28 and 33 through 36.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff shall file, **within thirty days of the entry of this Order**, a Second Amended Complaint containing the information specified herein.
2. Plaintiff is reminded that the failure to timely and properly comply with this Order will result in the dismissal of this case, without prejudice, pursuant to Local Rule 5.5(c)(2).
3. The Clerk is directed to REFRAIN FROM DOCKETING any written discovery from Plaintiff.

Dated this 1st day of February, 2010.


UNITED STATES MAGISTRATE JUDGE