

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

**MARK A. BUTLER**

**PLAINTIFF**

**V.**

**CASE NO. 3:10CV00172 JMM**

**JOHN SMITH, ET AL.**

**DEFENDANTS**

**ORDER**

Plaintiff was advised on August 3, 2010, to file a completed application for leave to proceed *in forma pauperis* and to file an amended complaint that specifically explained only one constitutional claim.

On August 17, 2010, after plaintiff had filed the correct application, plaintiff was allowed to proceed *in forma pauperis*. Plaintiff did not file an amended complaint that specifically explained only one constitutional claim.

On September 10, 2010, the Magistrate Judge recommended that plaintiff's complaint be dismissed for failure to file the amended complaint as directed. On September 17, 2010, plaintiff filed an objection stating that he had in fact submitted a complete application to proceed *in forma pauperis* and that his complaint should not be dismissed.

Plaintiff is given notice that an application to proceed *in forma pauperis* and an amended complaint are two different pleadings. Plaintiff is correct in stating that he has filed the complete application to proceed *in forma pauperis*.

However, plaintiff has not filed an amended complaint as directed by the Magistrate Judge on August 3, 2010.

Plaintiff shall have 12 days from the date of this Order to file an amended complaint explaining only one of his constitutional claims, naming each defendant, explaining exactly what each defendant did that violated his rights, and explaining exactly how each defendant injured plaintiff.

Failure to file the amended complaint as directed will result in dismissal of plaintiff's complaint without prejudice.

IT IS SO ORDERED THIS 22 day of September, 2010.

  
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James M. Moody  
United States District Judge