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

JAMES A. LEFLORE   PLAINTIFF

v.   No. 3:17-cv-124-DPM

CITY OF WEST MEMPHIS, ARKANSAS   DEFENDANT

ORDER

1. The Court seals the complaint, № 2, because it contains personal confidential information.

2. Leflore's motion to proceed *in forma pauperis*, № 1, as supplemented by *№ 2 at 4*, is granted. Though he has some assets, considering his income, expenses, and debts, Leflore can't afford the filing fee.

3. The Court must screen Leflore's complaint. 28 U.S.C. § 1915(e)(2). He alleges he was fired in violation of the Americans with Disabilities Act, *№ 2 at 2*, so this Court has subject matter jurisdiction. 28 U.S.C. § 1331.

Leflore says that, after he started taking prescribed pain medication, he tested positive on a work drug test. Leflore's termination letter from the City of West Memphis, attached to his complaint, says he was fired because he tested positive for drugs and never adequately explained the positive result. This letter creates some murkiness about what actually prompted Leflore's

firing. But construing his *pro se* complaint liberally, the case should go forward. The ADA protects qualified individuals who are mistakenly regarded as having engaged in the illegal use of drugs. 42 U.S.C. § 12210(b)(3); *Nielsen v. Moroni Feed Company*, 162 F.3d 604, 610 (10th Cir. 1998).

Leflore must file an amended complaint. This time around he must redact personal confidential information. FED. R. CIV. P. 5.2(a). Leflore must also attach his right-to-sue letter from the EEOC, № 2 *at* ¶ 7, to any amended complaint. *Jones v. American State Bank*, 857 F.2d 494, 499–500 (8th Cir. 1988). If Leflore doesn't file an amended complaint by 21 July 2017, the Court will dismiss his case without prejudice.

4. The motion for appointment of counsel, № 3, is denied without prejudice. Appointed counsel isn't warranted at this early point.

So Ordered.

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D.P. Marshall Jr.
United States District Judge

27 June 2017