

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

KELLY DWAYNE LAMBERT, SR.
ADC #133823

PLAINTIFF

v.

4:09CV00400 JMM/HLJ

STATE OF ARKANSAS, et al.

DEFENDANTS

ORDER

This matter is before the Court on plaintiff's motion to set aside the Court Orders of June 29, 2009 and July 24, 2009 (DE #13).

By Order dated June 3, 2009, this Court denied plaintiff's motion to proceed in forma pauperis (ifp) in this action filed pursuant to 42 U.S.C. § 1983, and directed plaintiff to pay the \$350 filing fee or file a completed ifp application within thirty days of the date of the Order (DE #3). Plaintiff then paid the \$350 filing fee (DE #5), and by Order dated June 29, 2009, the Court directed the plaintiff to file an amended complaint within fifteen days of the date of the Order (DE #7). Plaintiff filed a motion to issue summons, which was denied by the Court on July 24, 2009 (DE #11). In that Order, the Court again directed plaintiff to file an amended complaint within ten days of the date of the Order. Plaintiff now asks the Court to set aside both its Orders directing him to amend his complaint, and to issue summons and service on defendants.

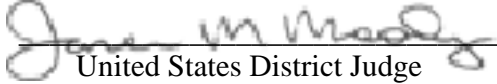
As noted in the June 29, 2009 Order, 28 U.S.C. § 1915A(a) authorizes the Court to screen complaints seeking relief against a governmental entity or officer or employee of a governmental entity. The Court further noted that plaintiff did not include specific allegations against all the named defendants in the body of his complaint, and directed plaintiff to amend his complaint.

Plaintiff has disregarded two Orders of this Court directing him to amend. The Court finds that his complaint remains too vague and conclusory to enable the Court to determine whether it

is frivolous, fails to state a claim for relief, or states a legitimate cause of action. Therefore, the Court will provide plaintiff with one final opportunity in which to amend his complaint, within ten days of the date of this Order. Failure to abide by this Order shall result in the dismissal without prejudice of plaintiff's complaint. Accordingly,

IT IS, THEREFORE, ORDERED that plaintiff's motion to set aside the Court's Orders directing him to file an amended complaint (DE #13) is hereby DENIED. Plaintiff shall file an amended complaint, in accordance with the Court's June 29, 2009 Order, within ten days of the date of this Order. Failure to abide by this Order shall result in the dismissal of plaintiff's complaint, without prejudice. See Local Rule 5.5(c)(2).

IT IS SO ORDERED this 11th day of September, 2009.


United States District Judge