

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

MICHAEL CALLAGHAN

PLAINTIFF

v.

No. 4:10CV01049 JLH

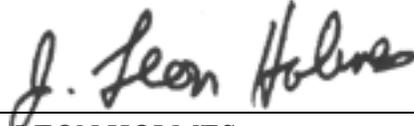
DEPARTMENT OF VETERANS AFFAIRS,
Eric K. Shinseki, Secretary

DEFENDANT

ORDER

On December 2, 2010, the Court entered an Order dismissing Michael Callaghan's claims with prejudice as to all the defendants other than Eric K. Shinseki, Secretary of the Department of Veterans Affairs, and dismissing without prejudice as to Shinseki on the grounds that the complaint alleges no facts that would show that the actions of which Callaghan complains were taken because of his sex or national origin. On December 15, 2010, Callaghan filed a "Motion for Reconsideration of Complaint," which the Court will consider as a motion for leave to amend the complaint and to allege with greater specificity the claims against Eric K. Shinseki as Secretary of the Department of Veterans Affairs. The Court directed the defendant to file a response if he opposed the motion for leave to file an amended complaint within ten days in an Order entered on January 13, 2011. The defendant has not filed a response to the motion, so the Court will assume that the defendant does not oppose the motion. The Court therefore directs Michael Callaghan to file an amended complaint stating with specificity his claims against Eric K. Shinseki as Secretary of the Department of Veterans Affairs on or before February 7, 2011. If he fails to file an amended complaint on or before February 7, 2011, this action will be dismissed with prejudice. If he files an amended complaint on or before February 7, 2011, then the defendant may a responsive pleading or motion, as appropriate within the time provided by the Federal Rules of Civil Procedure.

IT IS SO ORDERED this 28th of January, 2011.

A handwritten signature in black ink that reads "J. Leon Holmes". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE