

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

**EUGENE ISSAC PITTS
ADC #73537**

PLAINTIFF

V.

CASE NO. 4:10CV01799 SWW

LARRY JEGLEY, et al.

DEFENDANTS

ORDER

Federal courts are required to screen prisoner complaints seeking relief against a government entity, officer, or employee. 28 U.S.C. § 1915(e). The Court must dismiss a complaint or portion of a complaint where the prisoner raises claims that are: (a) legally frivolous or malicious; (b) fail to state a claim upon which relief may be granted; or (c) seek monetary relief from a defendant who is immune from paying money damages. 28 U.S.C. § 1915(e)(2).

To state a claim under 42 U.S.C. § 1983, a plaintiff must allege that a defendant acting under color of law deprived him of a right, privilege, or immunity secured by the federal Constitution or laws of the United States. 42 U.S.C. § 1983. While a court must accept the factual allegations in the complaint as true and hold a plaintiff's pro se complaint "to less stringent standards than formal pleadings drafted by lawyers," *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972) (*per curiam*), a plaintiff still must assert facts sufficient to state a claim as a matter of law. *Martin v. Sargent*, 780 F.2d 1334, 1337 (8th Cir. 1985).

As the record now stands, it is unclear what constitutional rights Plaintiff claims Defendants violated. Plaintiff asserts that Defendants failed to have proper procedures and safeguards in place to prevent the destruction or loss of important DNA evidence, but he fails to allege how this failure affected his constitutional rights. Further, Plaintiff has failed to explain how he was injured as a result of the Defendants' conduct. Although Plaintiff states that he has a pending case before the Arkansas Supreme Court, there is no explanation of how the loss of DNA evidence affected that case.

Accordingly, Plaintiff is ordered to file an amended complaint specifically explaining how each named Defendant violated his constitutional rights, what constitutional rights were affected, and what injury he suffered as a result. Failure to comply with this Order could result in this dismissal of this lawsuit under Local Rule 5.5.

IT IS SO ORDERED this 12th day of January 2011.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE