

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

JAMES ANDREW TANNER

PLAINTIFF

v.

4:17-cv-780-DPM

**KURT ZIEGENHORN and WILLIAM
SADLER, in their individual capacities;
BILL BRYANT, Colonel, in his official
capacity as head of the Arkansas State Police;
and JOHN DOES 1-5**

DEFENDANTS

ORDER

This case is stuck at the pleading stage. The press of other matters has prevented the Court from attending promptly to the Defendants' motion for judgment on the pleadings or the Plaintiff's three pending motions about amending his complaint. Plaintiff's latest proposed complaint covers eighty-five pages, with sixty-seven counts in four hundred and fifty-six paragraphs. The issues about judgment as a matter of law have become entangled in the series of proposed amendments. All material things considered, the Court concludes that the best way to get this case moving is to start over—with some instructions.

First, the Court directs plaintiff to file an amended complaint by 28 February 2019. Given the many prior amendments proposed, this new pleading will be plaintiff's last opportunity to amend absent

extraordinary circumstances. Justice does not require an unlimited number of opportunities to plead. FED. R. CIV. P. 15(a)(2); *Moses.com Securities, Inc. v. Comprehensive Software Systems, Inc.*, 406 F.3d 1052, 1065–66 (8th Cir. 2005). The amended complaint must comply with Federal Rule of Civil Procedure 8(a): it must be a short and plain statement of Plaintiff’s claims, with sufficient facts alleged to show plausibility. The Court needs the essentials, not everything. *Mangan v. Weinberger*, 848 F.2d 909, 911 (8th Cir. 1988). The prior briefing maps the disputed grounds Plaintiff should cover. To further focus Plaintiff’s pleading, the Court directs that his amended complaint must not exceed thirty pages, plus attached exhibits.

Second, the Court looks forward to pointed briefing on whether Plaintiff’s revised claims stand or fall as a matter of law. Here are some directions and limitations. Defendants’ motion must summarize their arguments in no more than five pages. Their supporting brief is limited to twenty pages. Plaintiff’s response must likewise be a five-page summary, supported by a twenty-page brief. Defendants may file a ten-page reply within seven calendar days of the response.

* * *

Amended complaint directed by 28 February 2019. The Final Scheduling Order, *No 10*, is vacated. An Amended Final Scheduling Order will issue. All pending motions, *No 14, 21, 34 & 37*, are denied without prejudice as moot.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

28 January 2019