

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

DONTY LEDEL SIMMONS

PLAINTIFF

V.

5:10CV00158 BSM JTR

**GERALD ROBINSON,
Sheriff of Jefferson County, et al.**

DEFENDANTS

ORDER OF DISMISSAL

Plaintiff Donty Ledel Simmons (“Simmons”) is a pretrial detainee at the Brassell Detention Center. On May 27, 2010, Simmons filed a confusing and lengthy Complaint alleging, *among other things*, that defendants have: (1) failed to provide him with adequate medical care for bipolar disease, paranoid schizophrenia, peptic ulcers, arthritis, and high blood pressure; (2) subjected him to excessive force on more than one occasion; (3) failed to protect him from being attacked by another inmate; (4) failed to test him, or other inmates, for tuberculosis; (5) not provided him with nutritiously adequate meals; (6) denied him visitation with his family members; (7) violated his right to freely exercise his religion by refusing to provide him with an Old Testament, a spiritual advisor, and religious services; (8) refused to provide him with access to a law library; (9) restricted his legal mail; (10) subjected him to bright lights that hurt his eyes; and (11) denied him yard call. *See* Doc. No. 2.

On June 7, 2010, an order was entered striking the complaint from the record because it was filed in clear violation of Fed. R. Civ. P. 8(a) and 20(a)(2). *See* Doc. No. 3. It was

also noted that Simmons could not defeat the filing fee requirement by joining factually and legally unrelated claims in one action. *Id.* Simmons was directed to file, within thirty (30) days, a substituted complaint that complied with Fed. R. Civ. P. 8 and 20, and set forth only claims that: (1) arose out of the same incident or event; and (2) involved common questions of law or fact. *Id.* He was also advised that this case would be dismissed without prejudice if he failed to timely and properly comply with these instructions. *Id.*

On June 24, 2010, Simmons filed a substituted complaint that renews virtually all of the legally and factually distinct claims raised in his original complaint. *See* Doc. No. 5. Specifically, he alleges that defendants: (1) failed to provide him with adequate medical care for bipolar disease, paranoid schizophrenia, peptic ulcers, arthritis, and high blood pressure; (2) subjected him to excessive force; (3) failed to protect him from being attacked by another inmate; (4) failed to provide him nutritiously adequate meals; (5) refused to allow him to visit with his sister, who is “certified” minister; (6) provided him with insufficient writing and mailing supplies; (7) denied him adequate access to the law library; (8) denied him yard call; (9) confined him in a cell without running water; and (10) subjected him to bright lights that hurt his eyes. *Id.* Simmons’s substituted complaint is in clear violation of the June 7, 2010 order, as well as Fed. R. Civ. P. 8 and 20.

IT IS THEREFORE ORDERED THAT:

1. Pursuant to Local Rule 5.5(c)(2), this § 1983 action is **DISMISSED WITHOUT PREJUDICE** due to Simmons’s failure to comply with the June 7, 2010 order.

2. Further, it is certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this order of dismissal and the accompanying judgment would not be taken in good faith.

IT IS SO ORDERED THIS 29th day of July, 2010.


UNITED STATES DISTRICT JUDGE