

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

CARL A. DAVIS, ADC #141860;
and MARK A. FRANKLIN

PLAINTIFFS

v.

NO. 5:15CV00079 JLH/BD

EDWARD ADAMS, et al.

DEFENDANTS

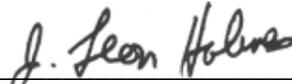
ORDER

United States Magistrate Judge Beth Deere has recommended that this action be dismissed without prejudice because the plaintiffs' complaint does not allege that defendants actually knew of but disregarded or were deliberately indifferent to their health or safety. She explains that their complaint alleges that after the incident, they submitted grievances regarding their safety but did not allege that the defendants were aware of a risk to them before the incident. After Judge Deere submitted her recommended disposition, Mark A. Franklin filed an addendum to the complaint, and both plaintiffs filed objections, arguing that the defendants were aware of the risk to their health and safety before the attack. The exhibits to the addendum indicate that grievances were filed complaining about the risks before the attack.

The Court declines to accept the proposed findings and recommended disposition. Document #22. Instead, the Court orders the plaintiffs to file an amended complaint within thirty days from the entry of Order explaining in detail that each defendant knew about the risks posed to them, how each defendant learned about the risks, and when each defendant learned about the risks. The amended complaint or complaints should not incorporate by reference previous filings. Failure to submit an amended complaint within thirty days from the entry of this Order may result in dismissal of the action.

This action is again referred to Magistrate Judge Deere for disposition or recommended disposition, as appropriate, of all pretrial proceedings.

IT IS SO ORDERED this 21st day of May, 2015.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE