

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

DANIEL RAY BROWN

PLAINTIFF

v.

Civil No. 12-3150

SHERIFF DANNY HICKMAN;
JAIL ADMINISTRATOR JASON
DAY; BOB KING; DETECTIVE
RYAN WATSON; SUE FALLON;
DR. LEE; and NURSE MANDY JONES

DEFENDANTS

ORDER

Plaintiff has filed a motion to amend (Doc. 13). He seeks to add factual allegations regarding his retaliation claim. He also again seeks to add Yolanda Watson as a Defendant. The motion (Doc. 13) is granted in part and denied in part. Plaintiff will be allowed to amend his retaliation claim. However, he will not be allowed to add Yolanda Watson as a Defendant. *See e.g., Peay v. Ajello*, 470 F.3d 65 (2d Cir. 2006)(absolute immunity for probation officer's preparation and submission of presentence report); *Anton v. Getty*, 78 F.3d 393 (8th Cir. 1996)(probation officer entitled to absolute immunity in preparing report on whether release plan was acceptable and in recommending parole be delayed stating the actions were similar to those of a probation officer preparing a presentence report which are so closely associated with the exercise of judicial function).

Plaintiff is directed to submit an amended complaint by April 30, 2013. The Clerk is **directed to mail the Plaintiff a court-approved § 1983 form to use for filing the amended complaint.** In the amended complaint, Plaintiff must write short, plain statements telling the Court: (1) the constitutional right Plaintiff believes was violated; (2) the name of the Defendant who violated the right; (3) exactly what the Defendant did or failed to do; (4) how the action or inaction of that Defendant is connected to the violation of Plaintiff's constitutional rights; and (5) what

specific injury Plaintiff suffered because of that Defendant's conduct. *See Rizzo v. Goode*, 423 U.S. 362, 371-72, 377 (1976). Plaintiff must repeat this process for each person he has named as a Defendant.

The Plaintiff must clearly designate on the face of the document that it is a first amended complaint. The first amended complaint must be retyped or rewritten in its entirety on the court-approved form and **may not incorporate any part of the original complaint or any amendments or supplements to it**. A first amended complaint supersedes, or takes the place of, the previously filed documents. After amendment, the Court will treat the previously filed documents as nonexistent. Any cause of action that was raised in the original complaint or any amendments or supplements to it are waived if not raised in the first amended complaint.

Plaintiff has also filed a motion to dismiss (Doc. 17) Sue Fallon as a Defendant. Defendants have not objected to the motion. The Clerk is directed to treat the motion as a stipulation of dismissal and note on the docket sheet that she is no longer a Defendant.

The Defendants are directed to file a summary judgment motion by **June 28, 2013**. Once the motion is filed, Plaintiff will be asked to verify his receipt of the motion and notify the Court of how he intends to respond.

IT IS SO ORDERED this 11th day of April 2013.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
CHIEF UNITED STATES MAGISTRATE JUDGE