

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

BRIAN E. LEE

PLAINTIFF

v.

CIVIL NO. 4:13-cv-04125

HEATH ROSS

DEFENDANT

ORDER

Plaintiff has filed a motion to amend his complaint. ECF No. 6. He wants to add a claim that his constitutional rights were violated when he was locked down for a disciplinary violation without a hearing or an opportunity to tell his side of the story.

The motion (ECF No. 6) is denied. Plaintiff did not file a grievance regarding this claim until January 5, 2014. He filed this case on December 30, 2013. The Prison Litigation Reform Act requires that a Plaintiff exhaust his administrative remedies or grievance procedure before he files suit.

While this claim cannot be added to this case, the Court directs the Clerk to file the motion to amend as a complaint and open a new case. A copy of this order shall also be filed in the newly opened case. The Clerk is directed to send Plaintiff an *in forma pauperis* (IFP) application and a form complaint to be used in cases brought under 42 U.S.C. § 1983. Plaintiff is directed to submit the completed IFP application and complaint to the Court by **February 7, 2014**. Failure to comply with this order will result in the dismissal of this case.

IT IS SO ORDERED this 24th day of January 2014.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE