

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

MARCUS RAY EMERY, II

PLAINTIFF

V.

CIVIL NO. 06-5217

NURSE SUE MCDONALD; and
OFFICER LARKIN

DEFENDANTS

ORDER

Plaintiff's complaint was filed in this case on November 15, 2006. Before the undersigned is the issue of whether the complaint should be served. In order to assist the court in making such determination, it is necessary that plaintiff provide additional information with respect to his claims.

Accordingly, it is ordered that plaintiff complete and sign the attached addendum to his complaint, and return the same to the court **by December 18, 2006. Plaintiff is advised that should he fail to return the completed and executed addendum by December 18, 2006, his complaint may be dismissed without prejudice for failure to prosecute and/or for failure to obey an order of the court.**

IT IS SO ORDERED this 22nd day of November 2006.

/s/ Beverly Stites Jones
HON. BEVERLY STITES JONES
UNITED STATES MAGISTRATE JUDGE

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ADDENDUM TO COMPLAINT

TO: MARCUS EMERY

This form is sent to you so that you may assist the court in making a determination as to the issue of whether your complaint should be served upon the defendants. Accordingly, it is required that you fill out this form and send it back to the court **by December 18, 2006**. Failure to do so will result in the dismissal of your complaint.

The response must be legibly handwritten or typewritten, and all questions must be answered completely in the proper space provided on this form. If you need additional space, you may attach additional sheets of paper to this addendum.

RESPONSE

In your complaint, you allege that Nurse Sue McDonald did not comply with doctors order to increase your medication dosage. You also contend that Officer Larkin denied you medical treatment.

1. Please provide the dates of your incarceration at the Benton County Detention Center (“BCDC”).

Answer:

2. Why are you incarcerated at the BCDC? Are you awaiting trial on pending criminal charges, serving a sentence, or has your probation, parole, or supervised release been revoked?

Answer:

3. You state that Nurse McDonald has failed to obey your doctor's orders regarding your medication dosage. Please state the name of the doctor who prescribed the medication, the name and dosage of the medication, the date the medication was prescribed, the reason the medication was prescribed, and the last time you saw the prescribing doctor.

Answer:

4. Was Nurse McDonald made aware of this change in your medication dosage?

YES _____ NO _____

If so, please state how and when she was notified.

5. Have you been provided with a reason why Nurse McDonald has not complied with your doctor's order to increase your medication dosage? If so, please provide the reason.

6. You contend that Officer Larkin denied you medical treatment. Why did you request medical treatment:

7. Please state the date(s) you requested medical treatment and were denied.

9. Are you suing the defendants in their individual capacity, official capacity, or both? Claims against individuals in their official capacities require proof that a policy or custom of the entity violated your rights. Personal capacity claims, on the other hand, are those which allege personal liability for individual actions by officials in the course of their duties.

ICERTIFY THAT THE INFORMATION CONTAINED HEREIN IS COVERED BY THE VERIFICATION MADE BY ME ON MY INITIAL COMPLAINT.

MARCUS EMERY, II

DATE