

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

DAVID LARRY SMITH, JR.

PLAINTIFF

v.

Civil No. 07-5102

ARAMARK FOOD SERVICE

DEFENDANT

ORDER

Plaintiff's complaint was filed in this case on June 4, 2007. 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, David Larry Smith, Jr., complete and sign the attached addendum to his complaint, and return the same to the court **by July 20, 2007**. **Plaintiff is advised that should he fail to return the completed and executed addendum by July 20, 2007, 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 19th day of June 2007.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE

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Civil No. 07-5102

ARAMARK FOOD SERVICE

DEFENDANT

ADDENDUM TO COMPLAINT

TO: DAVID LARRY SMITH, JR.

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 defendant. Accordingly, it is required that you fill out this form and send it back to the court **by July 20, 2007**. 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 you have been detained at the Washington County Detention Center for approximately four months. You indicate you have been provided with food that you cannot eat everyday. You state you cannot eat tomatoes. You state you have put in a number of grievances about the problem but nothing has been done.

1. Please provide the dates of your incarceration at the Washington County Detention Center (WCDC).

Answer:

2. Are pending criminal charges the only reason you are incarcerated at the WCDC?

Answer: Yes _____ No _____.

If you answered no, please state whether you have violated your parole, probation, or supervised release, are serving a sentence, or why you are incarcerated.

3. Is there a medical reason you cannot eat tomatoes?

Answer: Yes _____ No _____.

If you answered yes, please whether you saw the jail doctor or jail nurse and sought their assistance with making sure the kitchen knew you could not eat tomatoes.

If you answered no, please explain what you mean when you say you cannot eat tomatoes.

4. You have named Aramark Food Service as a defendant. Do you believe someone at Aramark violated your federal constitutional rights?

Answer: Yes _____ No _____.

If you answered yes, please explain. In explaining, please provide the name of the person at Aramark who you believe violated your rights and describe in detail how he or she violated your rights.

6. Please state the following: (a) how many meals a day you receive: (b) who prepares the meals; (c) are the meals prepared at the detention center; and (d) where the meals are served.

Answer:

7. Other than the fact that you have been provided tomatoes in some of your meals, are the meals have been adequate to maintain your health?

Answer: Yes _____ No _____.

If you answered no, please explain in detail how the meals are inadequate.

8. When you requested that you receive meals that contained no tomatoes, what response did you receive and who responded?

Answer:

9. When there are tomatoes on your tray, are there other items that you can eat and avoid eating the tomatoes that are served?

Answer: Yes _____ No _____.

If you answered no, please explain.

10. You have not named any individuals as defendants. Did you intend to name any individuals as defendants?

Answer: Yes _____ No _____.

If you answered yes, please state: (a) the name of each individual you intended to name as a defendant; (b) indicate his or her position at the detention center; and (c) state how he or she violated your federal constitutional rights.

Answer:

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

DAVID LARRY SMITH, JR.

DATE