

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

SYLVESTER O. BARBEE

PLAINTIFF

VS.

CASE NO. 15-CV-6106

SGT. STARKEY

DEFENDANT

ORDER

Before the Court is the Amended Report and Recommendation filed on August 4, 2016 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 19). Judge Bryant recommends that Plaintiff be given the opportunity to amend his Complaint (ECF No. 1) to clarify certain claims and attach supplemental information in support of his claims. Judge Bryant further recommends that Defendant's Motion to Dismiss (ECF No. 10) be denied as moot in light of the forthcoming amendment. The parties have not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation *in toto*.

The Clerk is directed to send Plaintiff a Prisoner Litigation Guide and the court-approved Complaint Form. Plaintiff will be allowed to file an Amended Complaint on the form approved by this Court for such filings. Plaintiff must attach all supporting documents, including medical records and grievance forms, relevant to his Amended Complaint. The Amended Complaint must be filed by **September 23, 2016**. After the filing of the Amended Complaint, the Court will treat the Original Complaint as nonexistent. All claims made by Plaintiff must be included in the Amended Complaint.

Defendant Starkey's Motion to Dismiss (ECF No. 10) is **DENIED as moot**. Defendant may refile a Motion to Dismiss upon the filing of the Amended Complaint.

IT IS SO ORDERED, this 23rd day of August, 2016.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge