

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

LEONARD WINDELL WATERS,

Plaintiff,

v.

CASE NO. 1:07-cv-00174-SPM -AK

ALACHUA POLICE DEPARTMENT,  
et al,

Defendants.

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**ORDER**

Plaintiff has requested another stay of this matter because of his serious health issues. (Doc. 31). Plaintiff has been directed since December 7, 2009, to file an amended complaint setting forth with more particularity the facts underlying his claim that he was arrested without probable cause by a police officer on November 9, 2006. (Doc. 24). The Court has already granted him a continuance, and he now asserts that he had a heart attack on July 7, 2010, he is back in jail, and he requests 120 days or until his release in October to gather evidence to support his claims and to file the amended pleading . (Doc. 31). It is unnecessary at this point in the proceedings to submit evidence to prove his claim, he need only provide facts about this arrest and his claim that the police officer arrested him in a bar only because he is black. The Court directed

him to provide facts such as what he was charged with, what happened with those charges, and why he contends that the arrest was racial discrimination. He should not need to obtain an arrest report to learn these facts. This case has been pending for almost two years without a factually sufficient complaint. It is time to move this case forward.

Accordingly, it is

**ORDERED AND ADJUDGED:**

1. Plaintiff's second motion to stay (doc. 31) is DENIED. Plaintiff shall file a Second Amended Complaint as previously directed, providing the facts underlying his claims against police officer David Kermer, and he shall file this pleading on or before August 20, 2010. No further extensions of time will be granted.

2. Failure to comply with this order within the time limits set forth herein will result in the dismissal of this cause.

DONE AND ORDERED this 4th day of August, 2010.

*s/ Stephan P. Mickle*

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Stephan P. Mickle  
Chief United States District Judge