

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

BRANDON RICARDO SMITH,

Plaintiff,

v.

CASE NO. 1:11-cv-226-MP-GRJ

WAL-MART STORES, INC.

Defendant.

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ORDER

This case is before the Court on doc. 14, Plaintiff's Motion For Leave to File An Amended Supplemental Complaint To Add Additional Relevant Matters. Plaintiff has filed a proposed First Amended Complaint, doc. 15, which includes an additional count alleging retaliation pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000 *et seq.* However, Plaintiff has not included in his First Amended Complaint the claims alleged in his original complaint. Defendant has filed a response, doc. 19, and does not object so long as Plaintiff is directed to include all of his claims in one complaint.

Plaintiff will be permitted to amend his complaint but will be required to file a further amended complaint, which includes all of his claims in this case in one document so that the Defendant will only be required to respond to one complaint.

Therefore, to amend the Complaint, Plaintiff must fill out the complaint form, marking it "Second Amended Complaint." Plaintiff is advised that the second amended complaint must contain all of Plaintiff's claims set forth in separately numbered paragraphs and should not in any way refer to the original Complaint or refer to the first

amended complaint. If the claim is not included in the Second Amended Complaint it will not be considered to be a claim in this case.

Accordingly, upon due consideration, it is **ORDERED** :

1. Plaintiff's Motion For Leave to File An Amended Supplemental Complaint To Add Additional Relevant Matters, doc. 14, is **GRANTED**.
2. The Clerk is directed to send Plaintiff a blank copy of Employment Discrimination Complaint Form to be used by pro se litigants in actions filed under 42 U.S.C. § 2000e, *et seq.*, and instructions.
3. Plaintiff shall fully complete the complaint form. In amending the Complaint, Plaintiff shall not refer back to the original Complaint or the first amended complaint and shall not incorporate any part of the original Complaint or first amended complaint by reference. Plaintiff shall file the second amended complaint, together with an identical copy of the second amended complaint, **on or before May 4, 2012**.
4. Defendant shall be required to file a response to the Second Amended Complaint within 14 days of the service of the second amended complaint.

DONE AND ORDERED this 16th day of April, 2012.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge