

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

ERNEST GALLON,	:	
	:	
Plaintiff	:	
	:	
VS.	:	
	:	
Nurse JACKIE RICHARDS and	:	NO. 1:06-cv-76(WLS)
MEDICAL STAFF,	:	
	:	
Defendants	:	<u>ORDER TO SUPPLEMENT</u>

Plaintiff **ERNEST GALLON**, an inmate at the Ben Hill County Jail in Fitzgerald, Georgia, has filed a *pro se* complaint to the Court which the Clerk docketed as an action under 42 U.S.C. § 1983.

I. MOTION TO PROCEED IN FORMA PAUPERIS

Plaintiff also seeks leave to proceed without prepayment of the \$350.00 filing fee or security therefor pursuant to 28 U.S.C. § 1915(a). Based on plaintiff's submissions, the Court finds that plaintiff is unable to prepay the filing fee. Accordingly, the Court **GRANTS** plaintiff's motion to proceed *in forma pauperis* and waives the initial partial filing fee pursuant to 28 U.S.C. § 1915(b)(1).

It is hereby **ORDERED** that plaintiff's custodian or his designee shall set aside twenty percent (20%) of all deposits made to plaintiff's trust fund account and forward those funds to the Clerk each time the amount set aside exceeds \$10.00, until the \$350.00 filing fee has been paid in full. 28 U.S.C. § 1915(b)(2). The Clerk of Court is directed to send a copy of this order to the

business manager and the warden of the institution where plaintiff is incarcerated.

II. BACKGROUND

Plaintiff alleges that defendant Nurse Jackie Richards has refused to continue prescribing plaintiff's blood pressure (once/day) and back pain (twice/day) medication that plaintiff has been taking since 2000, and he seeks a Court order requiring such treatment. He also seeks damages.

In addition to Nurse Jackie Richards, plaintiff includes as a defendant "Medical Staff."

III. ORDER TO SUPPLEMENT

The Court notes that defendant "Medical Staff" is not a suable entity. It is unclear whether Nurse Richards is the only member of the Medical Staff plaintiff wishes to sue or whether he intends to name individual defendants. The Court will accordingly give plaintiff an opportunity to supplement his complaint. In his supplement, plaintiff should state the identity of any additional individuals on the Medical Staff of the Ben Hill County Detention Center who he claims violated his constitutional rights and explain specifically the actions taken by each such individual or the duties he or she failed to perform that allegedly violated plaintiff's rights.

Plaintiff is hereby given thirty (30) days from receipt of this order to submit a supplement to his complaint, if he wishes to name additional defendants. No other claims will be considered but the above claims. If plaintiff fails to respond to this order in a timely manner, this action shall be dismissed. There shall be no service of process until further order of the Court.

SO ORDERED, this 24th day of May, 2006.

/s/ Richard L. Hodge

RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE