

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CLEVELAND GARNER,

Plaintiff,

v.

Case No. 21-cv-1183-NJR

**THOMAS BURRELL, LU WALKER,
BOB ALLARD, and B. HARRIS,**

Defendants.

MEMORANDUM AND ORDER

ROSENSTENGEL, Chief Judge:

This matter is before the Court for case management. On December 13, 2021, the Court dismissed Plaintiff Cleveland Garner's Complaint for failure to state a claim (Doc. 8). He was directed to file an Amended Complaint.

Garner first filed a response (Doc. 9) to the Court's Order which included the Court's original Order (Doc. 8) with underlined portions and responsive pages indicating how he believes Dr. Burrell, Bob Allard, and B. Harris wronged him (Doc. 8). Subsequently, on January 3, 2022, he filed a document which this Court labeled as an Amended Complaint (Doc. 9). Unfortunately, however, this document only consists of two pages which describes the issues Garner has had with his teeth since 2017. He identifies Dr. Burrell as the dentist who fixed his teeth.

Although the Court labeled Garner's second filing as an Amended Complaint, the document does not stand on its own as an Amended Complaint. Further, it does not

include the allegations which he included in his response (Doc. 9). Neither of these documents stands on its own as an Amended Complaint, and the Court will not accept piecemeal amendments. Because an amended complaint supersedes and replaces the original complaint, *see Flannery v. Recording Indus. Ass'n of Am.*, 354 F.3d 632, 638 n. 1 (7th Cir.2004), any amended complaint must stand on its own, without reference to any previous pleading. To the extent Garner intends for these documents to be construed as an Amended Complaint, the Court **DISMISSES** both documents without prejudice.

Garner is **ORDERED** to file an Amended Complaint. To aid Garner in his efforts, the Clerk of Court is **DIRECTED** to send Garner a Section 1983 Complaint Form. Garner's Amended Complaint is now due **February 7, 2022**. Failure to file an Amended Complaint will result in the dismissal of this entire action.

IT IS SO ORDERED.

DATED: January 11, 2022

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive style. Behind the signature, there is a faint circular seal of the United States District Court for the District of Columbia.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge