

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

ROY LEON TAYLOR (#296063)

CIVIL ACTION

VERSUS

DARREL VANNOY, ET AL.

NO. 16-859-JWD-RLB

RULING

In December, 2016, the *pro se* plaintiff, an inmate currently confined at Louisiana State Penitentiary (“LSP”), Angola, Louisiana, filed this proceeding, apparently pursuant to 42 U.S.C. § 1983, complaining regarding the conditions of his confinement.

In his original Complaint, the plaintiff listed “Darrell Vannoy, et al Warden, LSP” and “Louisiana Department of Safety & Corrections” as a defendants in the caption, and did not list any person or entity as a defendant in section III of the Complaint. The plaintiff also did not pay the Court’s filing fee or file a Motion to Proceed *In Forma Pauperis*.

Pursuant to correspondence dated January 11, 2017 (R. Doc. 3), the Court directed the plaintiff to amend his Complaint by listing the parties in the caption and in part III of the Complaint exactly the same, within twenty-one (21) days and, within such time, to either pay the Court’s filing fee or submit a properly completed Motion to Proceed *In Forma Pauperis* with a Statement of Account, certifying to the average six-month deposits and balance in his inmate account(s). The Court also instructed the plaintiff not to use “et al” when listing the parties. Copies of the pertinent forms and pages of the plaintiff’s Complaint were attached. The referenced correspondence specifically advised the plaintiff that “failure to amend the pleadings or provide the requested information or forms as indicated will result in the dismissal of your suit by the Court without further notice.” *Id.*

A review of the record by the Court reflects that, despite notice and an opportunity to appear, the plaintiff has failed to respond to the Court's directive to amend his Complaint by listing the parties in the caption and in section III of the Complaint exactly the same. The plaintiff has failed to identify with certainty who he is suing.

The plaintiff filed an amended Complaint; however, he has now listed "Darrel Vannoy, et al," "The Dep't of Safety / Corrections, et al," and "James Leblanc" as defendants in the caption, but has listed "Darrel Vannoy, et al, Warden" and "James LeBlanc, et al" as defendants in Part III of his amended Complaint. *See* R. Doc. 4. As such, there exists unnecessary confusion as to who the plaintiff is naming as defendants in this matter, resulting from the plaintiff's failure to comply with the Court's aforementioned directives. Therefore, the plaintiff's action shall be dismissed, without prejudice, because of his failure to correct the deficiencies of which he was notified. Accordingly,

IT IS ORDERED that the above-captioned proceeding be **DISMISSED, WITHOUT PREJUDICE**. Judgment shall be entered accordingly.

IT IS FURTHER ORDERED that the plaintiff's pending Motions (R. Docs. 2 and 5) are **DENIED AS MOOT**.

Signed in Baton Rouge, Louisiana, on April 11, 2017.



JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA