

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

GARY SIMS : **CIVIL ACTION NO. 15-cv-2466**

VERSUS : **JUDGE MINALDI**

STATE OF LOUISIANA ET AL. : **MAGISTRATE JUDGE KAY**

MEMORANDUM ORDER

Before the court is an amended civil rights complaint pursuant to 42 U.S.C. § 1983 [doc. 12] filed *in forma pauperis* by *pro se* plaintiff Gary Sims (“Sims”) against employees of the Region 6 Department of Children & Family Services – Office of Community Services (“DCFS-OCS”) and a private citizen. Specifically, he names as defendants DCFS-OCS agent Melissa Ross, DCFS-OCS agent Dawn Sahualla, DCFS-OCS agent Ann Ellender, DCFS-OCS agent Allison Weckerly, DCFS-OCS general counsel Nick Pizzolatto, and Jessica Prudhomme White (“White”).

Sims was granted the opportunity to amend his first complaint. Doc. 9. By amendment [doc. 12] he still fails to allege sufficient facts to support a conspiracy between DCFS-OCS agents and White. We have therefore recommended that the claims against White be dismissed, as she cannot otherwise be held liable under § 1983. However, we find that the amendment sufficiently addresses prior deficiencies in pleading relating to the other defendants named above to survive our frivolity review under 28 U.S.C. § 1915. *See Bradley v. Puckett*, 157 F.3d 1022, 1025 (5th Cir. 1998).

Therefore, in order for this court to determine what action to take in this matter,

THE CLERK IS DIRECTED to serve a copy of this memorandum order, two (2) summons forms and one (1) USM-285 form for **EACH** defendant: (1) **Melissa Ross**, (2) **Dawn Sahualla**, (2) **Ann Ellender**, (3) **Allison Weckerly**, and (4) **Nick Pizzolatto**, upon Sims at his last known address.

Within thirty (30) days after service of this order, **SIMS IS DIRECTED** to complete two summons forms and one USM-285 form for **each** defendant, attach each set of documents to a copy of the original complaint, and send those packets of documents (one packet per defendant) to the: **Deputy Clerk of Court, United States Courthouse, 611 Broad Street, Lake Charles, LA 70601**.

THE CLERK IS FURTHER DIRECTED to provide the prepared packets to the United States Marshal for service on the defendant identified in the summons.

All parties shall have the responsibility of promptly reporting to the court and to all other parties any change in their mailing address. Failure to do so shall be considered grounds for dismissal under LR 41.3.

THUS DONE AND SIGNED in Chambers this 3rd day of December, 2015.



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE