

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES J. PRINCE,

Plaintiff,

Case No. 16-10020

v.

Hon. John Corbett O'Meara

K. KENT, DHS Specialist, *et al.*,

Defendants.

OPINION AND ORDER

Plaintiff James J. Prince, proceeding pro se, filed his complaint on January 5, 2016, against Michigan Department of Human Services and Genesee County Department of Human Services, alleging that his request for state disability assistance was not approved. Plaintiff filed an amended complaint as of right on January 21, 2016, adding Michigan Governor Richard Snyder and former Flint Water Director Howard Croft as defendants. Plaintiff alleges that he was exposed to contaminated Flint water and has suffered from lead poisoning. Plaintiff contends that this court has jurisdiction pursuant to the Clean Water Act (33 U.S.C. § 1365) and 42 U.S.C. § 1983.

The State of Michigan and Governor Snyder filed a motion to dismiss Plaintiff's complaint on February 22, 2016. On March 10, 2016, Plaintiff filed a

“third [sic] amended complaint and or opposition” to Defendants’ motion, in which he provides additional allegations. The State Defendants filed a motion to strike Plaintiff’s (March 10, 2016) second amended complaint, or the in alternative, for an extension of time to respond. On May 20, 2016, Plaintiff filed a third amended complaint combined with his response to Defendants’ motion to strike.

Plaintiff’s second and third amended complaints are not in compliance with the Federal Rules of Civil Procedure. Plaintiff amended his complaint as of right on January 21, 2016. Thereafter, Plaintiff is required to seek the consent of Defendants or permission from the court to file an amended complaint. Fed. R. Civ. P. 15(a)(2). Plaintiff has done neither. In addition, Plaintiff’s amended complaint must be a separate document from a response brief, and must include the entire pleading, not incorporate any prior pleading by reference. See Fed. R. Civ. P. 7; Local Rule 15.1.

The court is mindful of Plaintiff’s pro se status; nonetheless, Plaintiff is required to familiarize himself and comply with the Federal Rules of Civil Procedure and the Local Rules of this court. In order to facilitate the orderly resolution of this matter, the court will permit Plaintiff to file a proper amended complaint that is (1) a separate document; and (2) contains all allegations and claims set forth in his previously filed complaints. Plaintiff is required to obtain

Defendants' or the court's consent prior to filing any subsequent amended complaint.

IT IS HEREBY ORDERED that Plaintiff shall file an amended complaint by **June 17, 2016**. Defendants shall file an answer or responsive pleading by **July 15, 2016**.

IT IS FURTHER ORDERED that Defendants' motion to strike or for an extension of time is GRANTED IN PART, consistent with this opinion and order.

s/John Corbett O'Meara
United States District Judge

Date: June 7, 2016

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, June 7, 2016, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager