

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH WILLIAMS,

Plaintiff,

Case No. 1:15-cv-407

v.

Honorable Gordon J. Quist

CATHLEEN STODDARD et al.,

Defendants.

ORDER

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. The Court has granted Plaintiff leave to proceed *in forma pauperis*. Presently before the Court is Plaintiff's motion to amend the complaint (docket #4) to add information to the complaint that was inadvertently omitted and to withdraw a request for injunctive relief.

Under Fed. R. Civ. P. 15(a), a party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served. The complaint has not been served and therefore, defendants have not filed an answer to plaintiff's complaint. Because defendants have not filed a responsive pleading, leave of court is not required to amend the complaint. *See* 6 CHARLES A. WRIGHT, ARTHUR R. MILLER & MARY K. KANE, FEDERAL PRACTICE & PROCEDURE, §1483, at 584-86 (1990). Plaintiff's motion for leave to amend his complaint to add inadvertently omitted information and to withdraw his request for injunctive relief (docket #4) will be granted. Plaintiff has not filed an amended complaint and must do so as instructed below.¹

¹There is an additional reason that Plaintiff must file an amended complaint. Under the Prison Litigation Reform Act, PUB. L. NO. 104-134, 110 STAT. 1321 (1996), the Court is required review Plaintiff's complaint and to dismiss any claim deemed frivolous or malicious, or that fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant immune from such relief. 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c). The Court cannot properly screen Plaintiff's complaint, because the complaint he filed is incomplete; page 3f is missing.

Therefore, if Plaintiff wishes to proceed with his action, he must file an amended complaint on the requisite complaint form, *see* W.D. Mich. LCivR 5.6(a), ensuring that all necessary information is included in the amended complaint and that no pages are missing from the amended complaint. The Court directs the Clerk to send to Plaintiff a copy of the form complaint under 42 U.S.C. § 1983 for a civil action by a person in state custody. Plaintiff shall file his amended complaint on the requisite form within thirty (28) days from the date of entry of this order. The amended complaint will take the place of the original complaint, so it must include all of the Defendants that Plaintiff intends to sue and all of the claims that Plaintiff intends to raise. Plaintiff need not re-submit supporting exhibits filed with the original complaint. The case number shown above must appear on the front page of the amended complaint. If Plaintiff fails to submit an amended complaint in proper form within the time allowed, the complaint may be dismissed without prejudice by the district judge.

Accordingly,

IT IS SO ORDERED that Plaintiff's motion to amend the complaint (docket #4) is **GRANTED**. Plaintiff shall file his amended complaint within 28 days as directed above.

Dated: August 18, 2015

/s/ Ray Kent
Ray Kent
United States Magistrate Judge