

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

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| CORNELIUS WILLIAMS, JR., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 1:14CV105 ACL |
| |) | |
| GEORGE A. LOMBARDI, et al., |) | |
| |) | |
| Defendants. |) | |

OPINION, MEMORANDUM AND ORDER

This matter is before the Court upon plaintiff’s motion for reconsideration of the Court’s November 3, 2014 Opinion, Memorandum and Order, and plaintiff’s motion for a ninety-day extension to file his amended complaint. For the reasons that follow, the Court will deny plaintiff’s motion for reconsideration and grant, in part, his motion for an extension to file an amended complaint.

In his motion for reconsideration, plaintiff states that he believes “the court was focused on a previously filed case of, March 19, 2013, because the opinions do not relate to this case no. 1:14-cv-105-ACL.” While the Court considered anew plaintiff’s instant complaint in its Opinion, Memorandum and Order, the Court noted that “[p]laintiff previously filed a nearly identical complaint in Case 1:13CV050LMB on March 19, 2013.” The Court further noted that, despite some differences between plaintiff’s pervious complaint and the instant complaint—namely, removing two of the twenty-eight defendants; rearranging paragraphs; making minor stylistic changes; and alleging that all of defendants’ actions were part of a conspiracy of reprisal and deliberate indifference—“the two complaints are nearly identical in nearly all respects.”

The Court explained, in detail, the proper standard for joining multiple defendants and multiple claims in a single action, as well as the rules governing pleading, discussed why

plaintiff's conspiracy claim could not survive review under 28 U.S.C. §1915, and ordered plaintiff to amend his complaint.

Additionally, the Court laid out the procedural history of Case 1:13CV050LMB:

In that case, the Court noted that the complaint contained "multiple claims against, not one, but twenty-eight defendants," and that "it appear[ed] that plaintiff [was] attempting to cram almost every claim he might have ever had (or at least had in the past four years) against almost thirty defendants into one lawsuit." (1:13CV050LMB, Doc. No. 8 at 6). After explaining the proper standard for joining multiple defendants and claims in a single action, as well as the rules governing pleading, generally, the Court ordered plaintiff to file an amended complaint, and directed the Clerk to mail him five blank complaint forms, as well as five blank form motions for leave to proceed in forma pauperis, should he decide to file multiple actions, each arising from its own transaction or occurrence.

The Court then denied plaintiff's motion for reconsideration, and advised him that if he did not comply with the requirements set forth in the Court's previous order, it would dismiss his complaint without prejudice. The Court twice granted plaintiff extensions of time to file an amended complaint, before ultimately dismissing the action without prejudice. The Eighth Circuit affirmed on appeal.

(ECF No. 5 at 4).

Thus, with his filing of essentially the same complaint in this action, and the instant motions for reconsideration and extension, plaintiff is tracking the course of Case 1:13CV050LMB. The Court finds nothing in plaintiff's motion or in the record to cause it to reconsider its ruling at this time.

With regard to plaintiff's motion for an extension of ninety days to file his amended complaint, and an extension of thirty days to file the initial partial filing fee of \$13.48, the Court will grant the motion, in part, and afford plaintiff an additional thirty days to file both his amended complaint and initial partial filing fee.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for reconsideration [Doc. No. 6] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's motion for an extension [Doc. No. 7] is **GRANTED** in part.

IT IS FURTHER ORDERED that plaintiff shall file an amended complaint, in accordance with the explicit instructions set forth in this Court's November 3, 2014 Opinion, Memorandum and Order no later than **January 5, 2015**.

IT IS FURTHER ORDERED that plaintiff shall pay an initial filing fee of \$13.48 no later than **January 5, 2015**. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for an original proceeding.

IT IS FURTHER ORDERED that if plaintiff fails to comply with the requirements set forth in this Opinion, Memorandum, and Order, this action will be dismissed, without prejudice, pursuant to Federal Rule of Civil Procedure 41.

Dated this 20th day of November, 2014.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE