

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

| | | |
|------------------------|---|----------------------|
| MYRON HUBBARD, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:11-CV-2082-JAR |
| |) | |
| ST. LOUIS PSYCHIATRIC |) | |
| REHABILITATION CENTER, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff’s Opposition to Motion to Dismiss With Motion to Add Additional Party and Amend Complaint [ECF No. 38]. The Court construes this latest filing as an amended complaint. To preserve the right to amend his complaint, Plaintiff must file a separate motion for leave to amend, with the proposed amendment attached. Clayton v. White Hall School Dist., 778 F.2d 457, 460 (8th Cir. 1985). Plaintiff is again cautioned that the amended complaint will replace all preceding complaints, and claims that are not realleged will be deemed abandoned. E.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation, 396 F.3d 922, 928 (8th Cir. 2005). For each defendant, Plaintiff must set out the factual circumstances surrounding their alleged wrongful conduct. Failure to comply with the Court's instructions or the Federal Rules of Civil Procedure may result in dismissal of this action.

Accordingly,

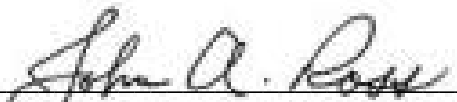
IT IS HEREBY ORDERED that, no later than **June 25, 2012**, Plaintiff shall file a proposed amended complaint contemporaneously with a motion for leave to file an amended complaint that includes each and every claim he wishes to bring against every defendant in this

action. Clayton, 778 F.2d at 460.

IT IS FURTHER ORDERED that Plaintiff's Opposition to Motion to Dismiss With Motion to Add Additional Party and Amend Complaint [38] is **DENIED**.

IT IS FURTHER ORDERED that if Plaintiff fails to timely comply with this order, the Court shall dismiss this action without prejudice.

Dated the 19th day of June, 2012.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE