

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

PATRICK RUDOLPH,)	
)	
Plaintiff,)	
)	
v.)	No. 4:12-CV-1780-JAR
)	
JEFFERSON COUNTY JAIL, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court upon the filing of plaintiff's first amended complaint [Doc. #7].

The Court has reviewed the amended complaint under 28 U.S.C. § 1915 and finds that plaintiff has failed to state a claim upon which relief may be granted at this time because the complaint is silent as to whether he is suing the defendants in their official and/or individual capacities.

Taking into consideration the fact that plaintiff is proceeding pro se and in forma pauperis, the Court will instruct plaintiff to file a written supplement to his amended complaint, in which he states the capacity (i.e., official capacity, individual capacity, or both individual and official capacities) in which he is suing each of the aforementioned defendants. Moreover, because the Court is allowing plaintiff to

supplement his amended complaint, it will take no action as to any of the named defendants at this time. Plaintiff is advised that he must sign the supplement to the amended complaint.


In accordance with the foregoing,

IT IS HEREBY ORDERED that the Clerk shall not issue process or cause process to issue upon the amended complaint at this time.

IT IS FURTHER ORDERED that plaintiff shall file a written supplement to his amended complaint within thirty (30) days from the date of this Order, stating whether he is suing the individual defendants in their official and/or individual capacities, in accordance with the specific instructions set forth above.

IT IS FURTHER ORDERED that plaintiff's failure to supplement his amended complaint in accordance with this Court's instructions will result in the dismissal of this action, without prejudice and without further notice to him.

Dated this 12th day of February, 2013.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE