

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CORNELIUS BROWN,)
)
 Plaintiff,)
)
 v.)
)
 DEPT. OF HEALTH & HUMAN)
 SVS., TI LINN BOUER, Facility)
 Operating Officer, CHRIS BO)
 SIMMONS, Assoc. Facility Officer,)
 JOHN KROLL, Director of Nursing,)
 LORI STRONG, Asst. Unit)
 Supervisor, DIANNA MASTNY,)
 Unit Supervisor, and MATTHEW)
 POKORNY, Patient,)
)
 Defendants.)

8:14CV298

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff’s request that summons be issued in this matter. (Filing No. [12](#).) Plaintiff is proceeding in forma pauperis. The court is required to review in forma pauperis complaints to determine whether summary dismissal is appropriate. *See* [28 U.S.C. § 1915\(e\)\(2\)](#). The court must dismiss a complaint or any portion thereof that states a frivolous or malicious claim, that fails to state a claim upon which relief may be granted, or that seeks monetary relief from a defendant who is immune from such relief. [28 U.S.C. § 1915\(e\)\(2\)\(B\)](#). The court has not completed its initial review of Plaintiff’s Complaint, and this matter may not proceed to service until it does so. If the court determines this matter may proceed to service, it will send summons forms to Plaintiff and also extend the time in which Plaintiff has to serve Defendants with process. The court will complete its initial review in its normal course of business.

Also pending is Plaintiff's Motion to Amend Complaint. (Filing No. [7](#).) In accordance with this court's local rules, the court will consider Filing Number 7 as supplemental to the Complaint. *See* [NECivR 15.1](#)(b) (stating that in pro se cases, the court may consider an amended pleading as supplemental to the original pleading, rather than as superseding).

IT IS THEREFORE ORDERED that:

1. Plaintiff's request for the issuance of summons (Filing No. [12](#)) is denied.
2. Plaintiff's request to amend his complaint (Filing No. [7](#)) is granted. The clerk's office is directed to update the docket text at Filing Number 7 to reflect that the document is a "Supplement to the Complaint."

DATED this 17th day of October, 2014.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge

*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.