

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EDWARD KOSISKI,)
)
Plaintiff,)

8:16CV345

V.)

**MEMORANDUM
AND ORDER**

SCOTT FRAKES, MICHAEL KENNY,)
ROBERT HOUSTON, RANDY KOHL,)
MICHAEL ROTHWELL, LARRY WAYNE,)
BARBARA LEWEIN, FRED BRITTEN,)
BRIAN GAGE, BRAD MCDONNELL,)
MICHELLE CAPPS, EDWARD FABIEN,)
UNKNOWN WEATHERSPOON, CURTIS)
WEES, SHAWN SHERMAN, THOMAS)
ENGLISH, TOM DAVIS, UNKNOWN)
KINLUND, JAMES ELLINGER,)
UNKNOWN LATKA, UNKNOWN)
ARMKNECKT, UNKNOWN LEDUC,)
CAMERON WHITE, LISA JONES,)
STEPHANIE BRUHN, LAYNE GISSLER,)
PAUL RODRIGUEZ, UNKNOWN)
PEARSON, AGNES STAIRS, BETH)
GEIGER, AMANDA HOLMGREEN, ALAN)
LEVINSON, AMBER GARCIA, ANTONI)
HANIGAN, JOHN HILL, JASON)
WORKMAN, BRANDY LOGSTON,)
LARRY MURPHY, TAMMY JACKSON,)
COLLETTE WAGONER, MICAELA)
VANSKIVER WILLIAMS, ROSALYN)
COTTON, Chair, REX RICHARD, Vice)
Chair, RANDALL REHMEIER, Member,)
TERESA BITTINGER, Member, VIRGIL)
PATLON, Member, and ALL JOHN AND)
JANE DOES KNOWN AND UNKNOWN,)

Defendants.)
)
)

Plaintiff instituted this action on July 13, 2016. (Filing No. [1](#).) Plaintiff was

subsequently granted leave to proceed in forma pauperis. (Filing No. [11](#).) For the reasons that follow, the court will require Plaintiff to file an amended complaint, or face dismissal of this action.

DISCUSSION

The court has carefully reviewed Plaintiff's Complaint and finds that the Complaint fails to comply with Rule 8 of the Federal Rules of Civil Procedure. Rule 8 requires that every complaint contain "a short and plain statement of the claim showing that the pleader is entitled to relief" and that "each allegation . . . be simple, concise, and direct." [Fed. R. Civ. P. 8](#). A complaint must state enough to "give the defendant fair notice of what the . . . claim is and the grounds upon which it rests." [Erickson v. Pardus, 551 U.S. 89, 93 \(2007\)](#) (quotation omitted). Although a pro se plaintiff's allegations should be liberally construed, pro se litigants must comply with the Federal Rules of Civil Procedure. [Burgs v. Sissel, 745 F.2d 526, 528 \(8th Cir. 1984\)](#) ("[P]ro se litigants are not excused from failing to comply with substantive and procedural law").

Plaintiff's Complaint is 108 pages long and names forty-seven defendants. As best the court can tell, Plaintiff maintains that his constitutional rights were violated because he was unable to participate in rehabilitative programming while incarcerated. Plaintiff may be asserting other claims as well, but this is not completely clear from Plaintiff's pleading.

Out of an abundance of caution, the court will grant Plaintiff leave to file an amended complaint that clearly and concisely sets forth his claims for relief. Plaintiff should make certain that his amended complaint specifies how each named defendant personally participated in any alleged unconstitutional conduct. Plaintiff is further advised that his amended pleading will supersede, rather than supplement, his Complaint.

Accordingly,

IT IS ORDERED that Plaintiff shall file an amended complaint no later than November 10, 2016. Should Plaintiff fail to do so, this action will be dismissed without further notice. The clerk of court is directed to set a case management deadline using the following text: November 10, 2016: check for second amended complaint.

DATED this 11th day of October, 2016.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge