

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:08CV458-03-MU

DOUGLAS WADE MELTON,)
)
Plaintiff,)
)
v.)
)
(FNU) SUMMERS, Captain at the Rutherford)
County Detention Facility; SHERRIE SIMMONS,)
Lieutenant at the Rutherford County Detention)
Facility; (FNU) WARREN, Nurse at the Rutherford)
county Detention Facility,)
)
Defendants.)
_____)

ORDER

THIS MATTER comes before the Court on its own motion. On September 25, 2008 Plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983 alleging that between April 2007 and October 2007 and March 2008 and May 2008, his civil rights were violated while a pretrial detainee at Rutherford County Detention Facility. Specifically, Plaintiff alleges that he suffers from a deformity to his lower right extremity and was denied necessary orthopedic footwear. Plaintiff also alleges that he was housed on the second floor. As a result of being denied the proper footwear and being housed on the second floor, Plaintiff is in pain and is suffering. Next, Plaintiff alleges that he has filled out requests to see the nurse or doctor which have either been denied or gone unanswered. Finally, Plaintiff contends that he has been placed in long term segregation and while in long term segregation, he has been denied his right to exercise and to use the telephone. While Plaintiff names three defendants in the caption of his Complaint, he

fails to allege which defendant is responsible for each of the claims enumerated in his Complaint. Furthermore, while Plaintiff gives a broad time frame for the allegations included in his Complaint, he must be more specific as to when he was: 1) denied proper footwear; 2) denied medical attention; and 3) placed in long term segregation and denied the use of the telephone or the right to exercise.

Therefore, Plaintiff now has twenty (20) days within which to amend his Complaint to include the information specified in this Order. Failure to so amend his Complaint, will result in the dismissal of Plaintiff's Complaint.

THEREFORE, IT IS HEREBY ORDERED that:

- (1) Plaintiff shall amend his Complaint within twenty days of the date of this Order to include the information specified in this Order.
- (2) The Clerk shall serve a copy of this Order on the Plaintiff.

SO ORDERED.

Signed: September 29, 2008



Graham C. Mullen
United States District Judge

