

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSE VICTOR PALACIOS,)	
)	Civil Action No. 13 – 487
Plaintiff,)	
)	Chief Magistrate Judge Lisa Pupo Lenihan
v.)	
)	
RUSSELL GILL, <i>Senior Officer</i>)	
<i>Specialist,</i>)	
)	
Defendant.)	

ORDER

Jose Victor Palacios (“Plaintiff”) initiated this prisoner civil rights action in April 2013 against Defendant Russell Gill, a Senior Officer Specialist at the United States Federal Penitentiary in Lewisburg, Pennsylvania. In his Complaint, he alleges that Defendant “pounded” his forehead into the concrete floor at the Hospital Officers Station, perhaps on April 28, 1995, and that he underwent surgery at Hendrick Medical Center Hospital in Abilene, Texas on February 27, 2012. He also alleges that several unknown staff members “beat” him up.

Upon review of his Complaint, the Court notes that it is unclear which incident Plaintiff is complaining about, whether it is the April 28, 1995 assault by Defendant Gill, the February 27, 2012 surgery, or the assault by the unknown staff members. It is also unclear where the April 28, 1995 assault by Defendant Gill occurred (Pennsylvania or Texas), whether the February 27, 2012 surgery was in connection with the April 28, 1995 assault, and when and where he was allegedly assaulted by the unknown staff members. Because of this lack of clarity and detail, Plaintiff will be required to submit an amended complaint so that the Court can better assess his claims. **AND NOW**, this 3rd day of April, 2013;

IT IS HEREBY ORDERED that the Clerk's Office shall mail Plaintiff a new prisoner civil rights complaint form along with a copy of this Order.

IT IS FURTHER ORDERED that Plaintiff shall have until April 19, 2013, to file his Amended Complaint with the Court.

IT IS FURTHER ORDERED that Plaintiff shall clearly mark his new civil rights complaint form "AMENDED COMPLAINT" and place the case number on the form as well, "13-487."

IT IS FURTHER ORDERED that the Amended Complaint must include all of Plaintiff's claims in this action and should not refer back to the original complaint. If Plaintiff fails to comply with this Order then the undersigned will recommend that this action be dismissed for failure to prosecute.

/s/ Lisa Pupo Lenihan

Lisa Pupo Lenihan

Chief United States Magistrate Judge

cc: **Jose Victor Palacios**

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