

United States District Court
Southern District of Texas

ENTERED

August 08, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MICHAEL RAY WEST,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. 2:17-CV-181
	§	
BEEVILLE COUNTY JAIL, <i>et al</i> ,	§	
	§	
Defendants.	§	

ORDER TO FILE AN AMENDED COMPLAINT

Plaintiff, an inmate presently assigned to TDCJ-CID’s McConnell Unit in Beeville, Texas, filed a civil rights action on April 26, 2017 against the Beeville County Jail and the following McConnell Unit officials: Warden Miguel Martinez, Assistant Warden Corey Furr, Assistant Warden Kenneth H. Putnam, and Senior Medical Practice Manager Tanya Lawson. Plaintiff claims that Defendants’ repeated failure to provide him with medical care following a head injury incurred on January 6, 2017, amounts to deliberate indifference to his serious medical needs in violation of his Eighth Amendment rights.

On July 24, 2017, Plaintiff filed a second civil rights action arising out of the same facts where he names as defendants the following McConnell Unit officials: former McConnell Unit Warden Matt Barber, Warden Martinez, Assistant Warden Furr, Assistant Warden Putnam, and Grievance Officer Cecilia R. Selzler. Plaintiff primarily

complains in the second case about the rejection of numerous grievances filed in response to the alleged failure of prison officials to provide him with medical care.

On August 3, 2017, Plaintiff's lawsuits were consolidated into one case. (D.E. 17). A *Spears*¹ hearing was held on August 8, 2017, where Plaintiff was given an opportunity to explain his claims. At the hearing, the undersigned directed Plaintiff to file an amended complaint and name all of the defendants he seeks to sue in connection with the claims raised in this consolidated case.

Accordingly, Plaintiff is **ORDERED** to file his amended complaint on a proper 42 U.S.C. § 1983 form. The Clerk of the Court is **DIRECTED** to provide Plaintiff with the form complaint used to initiate an action pursuant to § 1983. Plaintiff shall comply with the instructions contained in the form complaint, complete each portion of the form complaint, and attach any additional pages to the completed form complaint if necessary to state the factual basis supporting his claims.

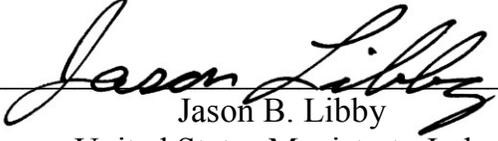
In preparing and completing his amended complaint, Plaintiff is instructed to label his pleading on the top of the first page of the completed § 1983 form complaint as "Plaintiff's Amended Complaint" and to include the correct Civil Action Number as shown above in the style of this case. Plaintiff is further instructed to: (1) clearly list in the amended complaint each Defendant he seeks to sue in this action; (2) set forth in a clear and concise manner the factual basis supporting his claims against each Defendant

¹ *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985).

as it relates to the issues of denial of medical care and/or the grievance process; and (3) clearly state the remedies he seeks in this action.

Plaintiff is **DIRECTED** to submit his amended complaint within **THIRTY (30)** days from the date of this Order. Failure to comply with each of these instructions, including submitting the amended complaint in a timely manner, may result in the dismissal of this action for want of prosecution and for failure to comply with court orders. Fed. R. Civ. P. 41(b).

ORDERED this 8th day of August, 2017.



Jason B. Libby
United States Magistrate Judge