

To state a claim under § 1983, a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and show the alleged deprivation was committed by a person acting under color of state law. *West v. Atkins*, 487 U.S. 42, 48, 108 S. Ct. 2250, 101 L. Ed. 2d 40 (1988). State authorities' failure to comply with state law or prison regulations is not a constitutional violation and thus is not a basis for a civil rights claim. *See Jackson v. Cain*, 864 F. 2d 1235, 1251-52 (5th Cir. 1989). The case and controversy requirement of Article III of the Constitution requires that to proceed in federal court a complaint must allege an injury, *see O'Shea v. Littleton*, 414 U.S. 488, 493-95, 94 S. Ct. 669, 38 L. Ed. 2d 674 (1974), that is more than de minimis or trivial, *see Glenn v. City of Tyler*, 242 F. 3d 307, 314 (5th Cir. 2001).

To focus and clarify Plaintiff's claims the Court directs Plaintiff to file an amended complaint of no more than ten (10) pages (including exhibits) stating his claims against Defendants within twenty-one (21) days using the standard § 1983 civil rights complaint form used in this Court. The amended complaint shall state among other things: a *factual* description of the incidents Plaintiff complains about and when these incidents took place; how Defendants were involved in the incidents Plaintiff complains about and how Defendants harmed Plaintiff or violated Plaintiff's federal or constitutional rights; what injury Plaintiff incurred; and what relief Plaintiff seeks. *See Fed. R. Civ. P. 8(a)*. *A copy of the standard § 1983 form, IFP form, and a TDCJ trust fund account statement are available from Plaintiff's Unit law library.*

If Plaintiffs fail to comply with this Order, this action shall be dismissed for failure to prosecute and failure to comply with the orders of this Court pursuant to Fed. R. Civ. P. 41(b).

SIGNED on May 13, 2010.



NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE