

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

GENE COGGINS,)	
)	
PLAINTIFF,)	
)	
v.)	CASE NO.: 3:08-cv-260-TMH
)	
MIKE KEYS,)	(WO - Do Not Publish)
)	
DEFENDANT.)	

ORDER

By an Order (Doc. # 17) dated May 13, 2008, this Court directed Plaintiff to file an amended complaint because the allegations of the complaint are so general and vague that they do not adequately provide notice of what the defendant is alleged to have done that would make him liable to Plaintiff. Moreover, Plaintiff does not allege whether he brings suit against the defendant in his official capacity, if any, in his individual capacity, or both. The Court required Plaintiff to file an amended complaint which specifies each wrongful act committed by Keys which Plaintiff asserts as a basis for his claims and whether he sues Keys in his official or individual capacities. The Court specifically cautioned Plaintiff that failure to comply with its Order could lead to the dismissal of his Complaint.

Despite the unambiguous command of the Court's May 13, 2008 Order, Plaintiff has refused to file an amended complaint. Instead, he filed a meritless motion challenging the ability of the Court to enter the Order directing the amendment and another court Order. *See* Doc. # 18. Moreover, Plaintiff argued that his complaint was sufficiently clear. *Id.* The

Court disagrees.

Plaintiff is called on to state facts which exactly detail how defendant Keys, caused a violation of Plaintiff's rights. Specifically, Plaintiff is called upon to state how defendant Keys was responsible for failing to protect Plaintiff from another private citizen stealing or damaging his property. Additionally, Plaintiff is called on to specifically allege how defendant Keys was involved in the illegal prosecution of Plaintiff for domestic violence. Finally, Plaintiff is called on to state whether the alleged wrongs of defendant Keys were committed in his personal or official capacity.

It is hereby ORDERED as follows:

1. On or before **June 27, 2008**, Plaintiff shall file an amended complaint setting forth the specific *factual* basis for his claims against the defendant in this action. Plaintiff's amended complaint must also specifically state whether he intends to bring claims against the defendant in his individual capacity, in his official capacity, or in both capacities. Plaintiff's amended complaint shall remedy the deficiencies identified in this Order and in the Court's May 13, 2008 Order.

2. The Court has reviewed some of Plaintiff's other cases in this Court and discerned that Plaintiff has a pattern of refusing to amend his complaints when directed to do so. **Plaintiff is hereby warned that failure to comply with Orders of this Court, including this Order directing him to file an amended complaint may result in the dismissal of his action.**

3. For the reasons previously explained in a Memorandum Opinion and Order entered on May 14, 2008 (Doc. # 17), the plaintiff is not entitled to the relief he seeks by his motion. Accordingly, Coggins' motion to dismiss (Doc. # 18) is DENIED.

DONE this the 18th day of June, 2008.

/s/ Truman M. Hobbs
SENIOR UNITED STATES DISTRICT JUDGE