

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

TRAVIS HAUSCHULZ,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	
)	No. 04-3475-KHV
BOURBON COUNTY BOARD OF)	
COMMISSIONERS, et al.,)	
)	
Defendants.)	
_____)	

ORDER

This matter is before the Court on plaintiff's Supplemental Or Amendment To Civil Rights Complaint (Doc. #12) filed May 9, 2005, and Plaintiff's Second Supplemental Or Amendment To Civil Rights Complaint (Doc. #15) filed May 12, 2005, which the Court construes as motions for leave to file an amended complaint.

On December 15, 2004, plaintiff, a prisoner in the custody of the State of Kansas, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. Judge G. Thomas VanBebber denied plaintiff's initial motion for leave to proceed in forma pauperis, see Order (Doc. #3) filed January 14, 2005, but upon a motion to reconsider, granted plaintiff's request, see Order (Doc. #8) filed April 28, 2005. In that same order, Judge VanBebber dismissed two of plaintiff's four claims for failure to state a claim upon which relief may be granted. Plaintiff now seeks to amend his complaint to cure deficiencies identified in the order.

Under Fed. R. Civ. P. 15(a), a party may amend his complaint "once as a matter of course at any time before a responsive pleading is served." At the time plaintiff filed his motions, no defendant had filed a responsive pleading. The Court therefore grants plaintiff leave to amend his complaint. The Court further

directs plaintiff to file one amended complaint in the proper form which sets forth all claims and includes allegations which cure the deficiencies identified in the previous order. See Order (Doc. #8) filed April 28, 2005.

IT IS THEREFORE ORDERED that the plaintiff's Supplemental Or Amendment To Civil Right Complaint (Doc. #12) filed May 9, 2005, and Plaintiff's Second Supplemental Or Amendment To Civil Rights Complaint (Doc. #15) filed May 12, 2005, which the Court construes as motions for leave to file an amended complaint, be and hereby are **SUSTAINED**.

IT IS FURTHER ORDERED that on or before **June 27, 2005**, plaintiff may file an amended complaint in the proper form which sets forth all claims and includes allegations which cure the deficiencies identified in the Court's Order (Doc. #8) filed April 28, 2005.

IT IS FURTHER ORDERED that the officials responsible for the operation of the Bourbon County jail shall have until July 29, 2005 to complete the Martinez report and file an answer or responsive pleading. As previously ordered, the written report shall be attached to and filed with the defendants' answer or response to the complaint.

Dated this 10th day of June, 2005 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge