

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

LAKESHIA MARIE RAY,

Plaintiff,

vs.

CIVIL ACTION
No. 11-3067-SAC

(FNU) SALES, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is before the court on a civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff proceeds pro se and seeks leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

As amended on April 26, 1996, § 1915(a)(1) requires a prisoner seeking to bring a civil action without prepayment of fees to submit an affidavit that includes a statement of all assets, a statement of the nature of the complaint, and the affiant's belief that he is entitled to redress. The court finds the motion for leave to proceed in forma pauperis filed by plaintiff satisfies these requirements.

As amended, § 1915(a)(2) requires an inmate also to submit a certified copy of the inmate's institutional account for the six months immediately preceding the filing of the action from an appropriate official from each prison in which the inmate is or was incarcerated. Plaintiff has not yet submitted this

information. Accordingly, the court will direct her to supplement the motion to proceed in forma pauperis with a certified financial statement from the facility where she is incarcerated.

Next, pursuant to Rule 8 of the Federal Rules of Civil Procedure, a complaint must present "(1) a short and plain statement of the grounds upon which the court's jurisdiction depends, ... (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief the pleader seeks." Fed.R.Civ.P. 8(a).

Plaintiff is proceeding pro se in this action, and the court is mindful that "[a] pro se litigant's pleadings are to be construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers." *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). However, the court "will not supply additional factual allegations to round out a plaintiff's complaint or construct a legal theory on a plaintiff's behalf." *Whitney v. New Mexico*, 113 F.3d 1170, 1173-74 (10th Cir. 1997)(citation omitted). Despite her pro se status in this action, plaintiff must allege "enough facts to state a claim to relief that is plausible on its face." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

Accordingly, the court also will direct the plaintiff to provide additional, specific information concerning her claims, including a statement of the particular conduct of each defen-

dant who allegedly violated her rights as well as specific factual allegations in support of her claim of inadequate medical treatment. *See Bennett v. Passic*, 545 F.2d 1260, 1262-63 (10th Cir.1976)(stating personal participation of each named defendant is essential allegation in civil rights action) and *Hall*, 935 F.2d at 1109 ("conclusory allegations without supporting factual averments are insufficient to state a claim on which relief can be based.")

IT IS, THEREFORE, BY THE COURT ORDERED that plaintiff shall supply the court on or before May 15, 2011, with a certified copy of her institutional financial records for the six months preceding the filing of this matter from all facilities in which she was housed during that period.

IT IS FURTHER ORDERED that on or before May 15, 2011, plaintiff shall supplement her complaint as directed herein.

The failure to file a timely response may result in the dismissal of this action without prejudice and without additional prior notice to plaintiff.

IT IS SO ORDERED.

DATED: This 14th day of April, 2011, at Topeka, Kansas.

S/ Sam Crow
SAM A. CROW
U.S. Senior District Judge