

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

TODD J. LLOYD,

Plaintiff,

v.

Case No. 14-3137-JTM

ERIC C. BULLER, JOSH C. RADOFF,
BRIAN CAREY, and DON WILKINS,

Defendants.

MEMORANDUM AND ORDER RESINSTATING CASE

By an order dated August 21, 2015, this court denied plaintiff Todd Lloyd's Motion to Amend Complaint (Dkt. 12) and dismissed the entire action, without prejudice, for failure to pay the required partial filing fees. (Dkt. 14). Mr. Lloyd now seeks reinstatement of the case and leave to amend his complaint after advising that he has paid the whole filing fee in full. (Dkt. 17). Having reviewed the record, the court grants the request to reinstate the case. The order and judgment entered on August 21, 2015, are vacated.

As to his request to amend his complaint, the court grants it. Mr. Lloyd has eliminated the deficiencies in the original complaint by limiting his action to a single claim for excessive force against three Hutchinson police officers and Don Wilkins, his intensive supervising officer (ISO), relative to his April 2014 arrest for probation violations. He has also amended his request for relief to those that he may be entitled to receive (*i.e.*, monetary damages and declaratory relief). Because the Amended Complaint passes screening, the court orders the issuance of summons as directed below.

IT IS THEREFORE ORDERED that the order and judgment entered on August 21, 2015 (Dkts. 14 and 15), are vacated.

IT IS FURTHER ORDERED that plaintiff's motion to reinstate (Dkt. 17) and his motion to amend (Dkt. 12) are **GRANTED**.

IT IS FURTHER ORDERED that the clerk of the court shall prepare waiver of service forms pursuant to Rule 4(d) of the Federal Rules of Procedure, to be served on defendants at no cost to plaintiff absent a finding by the court that plaintiff is able to pay such costs.

Copies of this Order shall be transmitted to plaintiff, to defendants, to the Attorney General for the State of Kansas, and to the City Attorney for the City of Hutchinson.

IT IS SO ORDERED this 31st day of March 2016.

s/ J. Thomas Marten
J. THOMAS MARTEN, Judge