

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

GUSTIN C. BROWNLEE,

Plaintiff,

vs.

Case No. 20-3122-SAC

EYMAN DOWLING, et al.,

Defendants.

MEMORANDUM AND ORDER

Pursuant to 28 U.S.C. § 1915A(a), the court screened the first amended complaint (ECF# 21) filed by the plaintiff Gustin C. Brownlee (“Brownlee”), an inmate at El Dorado Correctional Facility (“EDCF”). Brownlee brings this action under 42 U.S.C. § 1983 based on a motor vehicle accident that happened when he was being transported to a medical appointment. He seeks compensatory and punitive damages for his injuries not only from the accident but from the officer’s handling of him after the accident.

The court’s sixteen-page memorandum and order screened the three counts in Brownlee’s first amended complaint. ECF# 22. The order afforded the plaintiff an additional thirty days or until July 14, 2022, to file a second amended complaint (“SAC”) curing the deficient allegations under count one for delayed medical treatment and under count two against the defendant McCullough and unknown staff #2 for forcibly removing him from the crashed van at the scene and against the defendant McCullough 2 for forcibly removing him from the second van at the facility’s infirmary. The court’s order also dismissed all other claims and count three for failure to state a claim for relief under § 1983.

Arguing limited access to the facility's law library, the plaintiff Brownlee now moves for a 30-day extension of time to file his SAC. ECF# 23. Finding sufficient grounds articulated for the requested extension, the court shall give the plaintiff until August 15, 2022, to file his SAC that addresses the remaining claims in counts one and two and that is complete and proper curing all the pleading deficiencies noted in the court's screening order (ECF# 22). The plaintiff's failure to file a SAC by August 15, 2022, will result in the court deciding this matter based upon the current deficient complaint and dismissing without further notice.

IT IS SO ORDERED.

Dated this 1st day of July, 2022, Topeka, Kansas.

s/Sam A. Crow
Sam A. Crow, U.S. District Senior Judge