

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

**MARCUS SHAMILLYON JACKSON,**

**Plaintiff,**

**v.**

**CASE NO. 20-3211-SAC**

**JOHNSON COUNTY SHERIFF'S OFFICE,  
et al.,**

**Defendants.**

**ORDER**

Plaintiff filed this *pro se* civil rights case under 42 U.S.C. § 1983. The Court granted Plaintiff's motion for leave to proceed *in forma pauperis* and assessed an initial partial filing fee in the amount of \$22.00. (Doc. 5.) This matter is before the Court on Plaintiff's Motion for Leave to Amend Complaint (Doc. 9) and Plaintiff's Response (Doc. 10) to the assessment of the initial partial filing fee. Plaintiff indicates that he is indigent and cannot pay the initial fee. The Court will treat the response as a request to waive the initial partial filing fee and will grant the request.

Plaintiff has also filed a motion to amend his Complaint. Plaintiff alleges that he inadvertently submitted an unfinished draft of his complaint and seeks additional time to submit the final amended complaint. The Court will grant Plaintiff's motion to amend to the extent that he seeks additional time to submit an amended complaint.

The Court will grant Plaintiff an opportunity to file a complete and proper amended complaint upon court-approved forms.<sup>1</sup> Plaintiff is given time to file a complete and proper

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<sup>1</sup> To add claims, significant factual allegations, or change defendants, a plaintiff must submit a complete amended complaint. *See* Fed. R. Civ. P. 15. An amended complaint is not simply an addendum to the original complaint, and instead completely supersedes it. Therefore, any claims or allegations not included in the amended complaint are no longer before the court. It follows that a plaintiff may not simply refer to an earlier pleading, and the amended

amended complaint in which he (1) raises only properly joined claims and defendants; (2) alleges sufficient facts to state a claim for a federal constitutional violation and show a cause of action in federal court; and (3) alleges sufficient facts to show personal participation by each named defendant.

**IT IS THEREFORE ORDERED THAT** Plaintiff's request to waive the initial partial filing fee (Doc. 10) is **granted**.

**IT IS FURTHER ORDERED THAT** Plaintiff's Motion for Leave to Amend (Doc. 9) is **granted** to the extent that the Court will grant Plaintiff until **September 18, 2020**, in which to file a proper amended complaint on court-approved forms.

The clerk is directed to send § 1983 forms and instructions to Plaintiff.

**IT IS SO ORDERED.**

**Dated August 27, 2020, in Topeka, Kansas.**

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

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complaint must contain all allegations and claims that a plaintiff intends to pursue in the action, including those to be retained from the original complaint. Plaintiff must write the number of this case (20-3211-SAC) at the top of the first page of his amended complaint and he must name every defendant in the caption of the amended complaint. *See* Fed. R. Civ. P. 10(a). Plaintiff should also refer to each defendant again in the body of the amended complaint, where he must allege facts describing the unconstitutional acts taken by each defendant including dates, locations, and circumstances. Plaintiff must allege sufficient additional facts to show a federal constitutional violation.