

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ALAN EDWARD DORMAN,	:
	:
Plaintiff,	:
	:
v.	: Civil Action No. 18-1045-RGA
	:
CURTIS HARRIS,	:
	:
Defendant.	:

MEMORANDUM ORDER

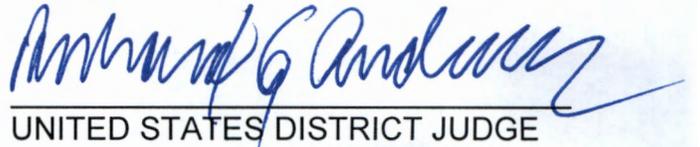
At Wilmington, this 25 day of November, 2019, having considered Defendant's motion to dismiss (D.I. 16) and Plaintiff's motion for leave to file a second amended complaint (D.I. 18);

IT IS ORDERED that: (1) Defendant's motion to dismiss (D.I. 16) is **DENIED**; (2) Plaintiff's motion for leave to file a second amended complaint (D.I. 18) is **GRANTED**; and (3) the Clerk of Court is directed to docket the proposed second amended complaint, for the following reasons:

1. Plaintiff Alan Edward Dorman, an inmate at the Sussex Correctional Institution in Georgetown, Delaware, proceeds *pro se* and has been granted leave to proceed *in forma pauperis*. (D.I. 5). On December 17, 2018, The Court screened the amended complaint, identified what appeared to be cognizable and non-frivolous 42 U.S.C. § 1983 claims within the meaning of 28 U.S.C. § 1915A(b) and § 1915(e)(2)(B), and entered a service order. (D.I. 10). On May 17, 2019, Defendant filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). (D.I. 16).

2. The legal standard used when screening prisoner cases is identical to the Rule 12(b)(6) dismissal standard. See *Tourscher v. McCullough*, 184 F.3d 236, 240 (3d Cir. 1999). Nothing has changed since the amended complaint was screened. In addition, the Court must liberally construe the amended complaint. In doing so, I find its allegations sufficient to withstand the instant motion to dismiss and, therefore, I will deny Defendant's motion to dismiss the amended complaint

3. On June 3, 2019, Plaintiff filed a motion for leave to file a second amended complaint and provided the Court with a proposed copy. (D.I. 18). Defendant opposes the motion and argues that the proposed second amended complaint fails to state a claim upon which relief may be granted. Once again, the Court liberally construes the allegations in the proposed second amended complaint and finds they suffice to withstand Defendant's opposition. I will grant Plaintiff's motion for leave to file a second amended complaint and will order that the Clerk of Court file the proposed second amended complaint.


UNITED STATES DISTRICT JUDGE