

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ALVIN JAMES JOHNSON,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 2:09-CV-385-TMH
) [WO]
)
DISTRICT ATTORNEY ELLEN BROOKS)
and DETECTIVE MIKE MYRICK,)
)
Defendants.)

ORDER ON MOTION

On May 11, 2009, the plaintiff filed a motion for production of appendix forms (Court Doc. No. 5) in which he requests that the Clerk of this court be required to provide him with free copies of various forms contained in the appendix to the Federal Rules of Civil Procedure. The forms sought by the plaintiff are neither necessary nor relevant to disposition of the claims presented in the instant complaint.¹ Additionally, the plaintiff may make copies of these forms by utilizing any means available to him including, but not limited to, handwritten copies of the forms he seeks to retain for himself and/or submit to this court. Finally, the plaintiff is informed that neither jail officials nor this court is required to provide

¹The requested appendix forms relate to omission of a party in a complaint for negligence and a complaint for negligence under the Federal Employer's Liability Act. The plaintiff has no basis on which to proceed before this court on the claims presented in the instant complaint. Specifically, he simply cannot challenge the constitutionality of actions undertaken by the prosecutor in his pending state criminal case for capital murder as the disposition of such claims by this court would impact the capital murder case. *Younger v. Harris*, 401 U.S. 37, 43-44 (1971). Moreover, the law is well settled that negligence provides no basis for relief in a 42 U.S.C. § 1983 action. *Daniels v. Williams*, 474 U.S. 327 (1986); *Davidson v. Cannon*, 474 U.S. 344 (1986). The forms requested by the plaintiff are therefore wholly irrelevant to this cause of action.

him with copies of documents without prepayment of all costs associated with producing the copies. Thus, if the plaintiff seeks to obtain photocopies of appendix forms, he must make prepayment to the appropriate official of all costs related to producing the copies. This court charges fifty cents per copy. The plaintiff seeks six copies of forms and may therefore receive such copies from the Clerk of this court by submitting prepayment of \$3.00.

In light of foregoing, it is

ORDERED that the motion for production of appendix forms (Court Doc. No. 5) be and is hereby DENIED.

Done this 12th day of May, 2009.

/s/ Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE