

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

SHERRI SMELLEY,)	
)	
PLAINTIFF,)	
)	
v.)	CASE NO.: 2:11-cv-587-MEF
)	
ACT, INC.,)	(WO-Do Not Publish)
)	
DEFENDANT.)	

MEMORANDUM OPINION AND ORDER

On July 21, 2011, Sherri Smelley (“Smelley”), a *pro se* litigant,¹ filed several motions in this Court. Smelley filed a Motion for Temporary Injunction, Motion for Permanent Injunction, and Motion for Declaratory Judgment (Doc. # 1) and an Application to Proceed in District Court without Prepaying Fees or Costs (Doc. # 3). Along with this documents, Smelley also filed a Civil Cover Sheet and a Memorandum in support of her request for declaratory and injunctive relief which included argument and evidentiary submissions. Smelley argues that she is entitled to the relief requested because ACT, Inc. violated the Americans with Disabilities Act (“the ADA”), 42 U.S.C. § 12102, *et seq.* by denying her requests for certain accommodations relating to the conditions under which she would take the MPRE. Smelley did not file a Complaint along with her other submissions to the Court.

¹ Although appearing without representation by licensed counsel, Smelley appears to currently be a student at a local law school.

A *pro se* litigant, like Smelley, is “subject to the relevant laws and rules of the court, including the Federal Rules of Civil Procedure.” *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989). Federal Rule of Civil Procedure 3 makes it very plain that a “civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. The general rules for stating a claim for relief in a complaint set forth in Federal Rules of Civil Procedure 8 and 9. Federal Rule of Civil Procedure 4 sets forth the specific requirements relating to the proper service of a summons along with the complaint. Before filing the various motions in this case, Smelley must properly commence the civil action by filing a proper complaint in accordance with the Federal Rules of Civil Procedure and any applicable local rules. Smelley shall file a proper complaint by no later than **July 29, 2011**. Failure to do so may result in the dismissal of her claims for want of prosecution.

DONE this the 25th day of July, 2011.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE