

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

DAMIAN J. THOMAS,	:	
Plaintiff,	:	
vs.	:	CIVIL ACTION 16-00105-CB-N
KENNETH TYUS, et al,	:	
Defendant(s).	:	

ORDER

Plaintiff's §1983 complaint and motion to proceed without prepayment of fees (Docs. 1, 2) are on out-dated forms. See Local Rule 9(c) (requiring a pro se litigant to file his pleadings on this Court's forms). Plaintiff, therefore, is **ORDERED** by **April 11, 2016**, to complete and file this Court's form for a complaint under 42 U.S.C. § 1983 and to pay the \$400.00 filing fee<sup>1</sup> or, in lieu thereof, to file this Court's motion to proceed without prepayment of fees. The new complaint will supersede the prior complaint. Thus, Plaintiff shall not rely upon his prior complaint. Failure to comply with this order within the prescribed time or to notify the Court immediately of a change in address will result in a recommendation of dismissal of this action for failure to prosecute and to obey the Court's order. The Clerk is **DIRECTED** to send Plaintiff a form for a complaint under § 1983 and for a motion to proceed without prepayment of fees.

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<sup>1</sup>When an in forma pauperis request is granted, the applicable filing fee, if any, is \$350.00 for non-habeas actions. See 28 U.S.C. § 1914, Judicial Conference Schedule of Fees (effective May 1, 2013).

**DONE** this 11th day of March, 2016.

s/KATHERINE P. NELSON \_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE