

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

TRAVIS DILLON LAWRENCE;  
DAVID WASHINGTON;  
TRISTAIN STOTTS;  
LAKHRAJ MANOHAR;  
DEANGELO SLAUGHTER; and  
QUINCY WALTON;

PLAINTIFFS

V. 3:16CV00034 DPM/JTR

MATT HALL, Jail Administrator; and  
CRAIGHEAD COUNTY JAIL ADMINISTRATION

DEFENDANTS

**INITIAL ORDER FOR *PRO SE* PRISONERS**

You have filed this federal civil rights lawsuit *pro se*, that is, without the help of a lawyer. There are rules and procedures that you must follow in order to proceed with your lawsuit, even though you are not a lawyer.

**First: Follow All Court Rules.** You must comply with the Federal Rules of Civil Procedure as well as Local Rules for the Eastern District of Arkansas. In particular, Local Rule 5.5(c)(2) provides that:

It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself must sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a *pro se* plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding *pro se* must be expected to be familiar with and follow the Federal Rules of Civil Procedure.

**Second: The Three Strikes Rule.** The Prison Litigation Reform Act, 28 U.S.C. § 1915(g), provides that:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

**Third: Service of Defendants.** All Defendants must be served within 120 days of the filing of the Complaint. This includes “John/Jane Doe” Defendants. It is your responsibility to identify all Defendants, including “Doe” Defendants. The Court will order service on all properly identified Defendants, but you are responsible for providing valid service addresses for each of them. Any Defendant who is not served within 120 days will be dismissed, without prejudice, from the lawsuit. *See* Fed. R. Civ. P. 4(m); *Lee v. Armontrout*, 991 F.2d 487, 489 (8th Cir. 1993).

**Fourth: No Right to Appointed Counsel.** This is a civil case. Unlike criminal cases, there is no right to have an appointed lawyer in a civil case. *Phillips v. Jasper County Jail*, 437 F.3d 791, 794 (8th Cir. 2006). If your case proceeds to a jury trial, however, a lawyer will be appointed to assist you.

**Fifth: Do Not File Discovery.** Discovery requests (such as interrogatories and requests for production of documents) and responses to discovery requests cannot be filed with the Court. Instead, you must mail discovery requests and responses directly to counsel for the Defendant. *See* Fed. R. Civ. P. 5(d). Do not mail discovery requests to Defendants' counsel until *after* he or she has filed an Answer or Motion to Dismiss.

**Sixth: Do Not Send Documents to the Court, Except in Two Situations.** You may send documents or other evidence to the Court *only* if: (1) it is attached to a Motion for Summary Judgment, or a Response thereto; or (2) the Court orders you to file documents or other evidence.

**Seventh: Witnesses.** If your case is set for trial, as your trial date approaches, you will be asked to provide a witness list. After reviewing your witness list, the

Court will subpoena the necessary witnesses.

**Eighth: Filing Fee.** Every civil case filed by a prisoner requires the payment of a filing fee. 28 U.S.C. § 1915. A \$400 filing fee must be paid at the beginning of the lawsuit unless the plaintiffs cannot afford to pay the entire fee at once. If you cannot afford to pay the filing fee in a lump sum, you must *each* file *separate* motions to proceed *in forma pauperis* (“IFP motions”). If you are granted IFP status, the filing fee will be collected in installments taken from *each* of your prisoner accounts until a total of \$350<sup>1</sup> has been collected. Importantly, the \$350 fee will be collected, even if this lawsuit is dismissed.

None of you have paid the filing fee or filed an IFP motion. You have two options: (1) one of you must pay the entire \$400 filing fee; or (2) all of you must file separate IFP motions and prisoner calculation sheets that are signed by an authorized jail official. You must do one or the other **on or before March 4, 2016**, or your claim will be dismissed without prejudice. The Clerk is directed to mail each of you separate IFP motions and calculation sheets.

**Ninth: Screening.** All lawsuits filed by prisoners must be screened. 28 U.S.C. § 1915A. It is impossible to determine from your joint complaint whether each of you have pled a viable claim for relief and whether your individual claims are properly joined in one lawsuit. Thus, each of you must file, **on or before March 4, 2016**, an Amended Complaint clarifying: (1) how long you were exposed to black mold; (2) what cell you were confined in while exposed to the black mold; (3) how you were harmed by exposure to black mold; and (4) how the claim you are raising in this lawsuit is different from any previous claims you may have filed about being exposed to black mold at the Craighead County Detention Facility. If you do not do so, your claim will be dismissed without prejudice. The Clerk is directed to mail each of you separate § 1983 complaint forms labeled "Amended Complaint."

IT IS SO ORDERED this 3rd day of February, 2016.

  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> A \$50 portion of the \$400 filing fee is waived for plaintiffs who are granted IFP status.