

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

TIMOTHY HAWKINS,

Plaintiff,

VS.

CLAUD WELLS, Bailsman;
CONNIE MICHELLE, Attorney

Defendant.

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NO: 4:08CV03587 JMM

ORDER

Plaintiff Timothy Hawkins commenced this civil rights action *pro se*. Along with his Complaint, Plaintiff filed an application to proceed *in forma pauperis*.

The Eighth Circuit has instructed that the decision of whether a complaint is frivolous or malicious precedes the decision of whether to grant *in forma pauperis* status and whether to order service of process. *See Carney v. Houston* 33 F.3d 893, 895 (8th Cir. 1994)(quoting *Gentile v. Missouri Dept. Of Corrections*, 986 F.2d 214 (8th Cir. 1993)). “If the complaint is frivolous or malicious, the district court should dismiss it out of hand.” *Id.* A complaint is frivolous where it lacks an arguable basis either in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 325-27 (1989). Plaintiff states no coherent facts in support of his Complaint. The Complaint states in part:

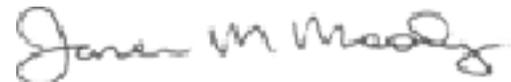
– I have been confinement on a sergregation [sic] wanted in arrest of conspiracy ((Double-Jeopard)): Failure of comply of an - sexual offender - assault [sic] registration . (form) Determine of enforcing an illegal constitutional- statement. . . –While residentially liven [sic] in united states of Arkansas under family, condition . Due of “Texas - moral of serving three - year of prison facility by : Bowie County . circus

courthouse indetermine [sic] without (illegalize) evidence of the year 1995. . . .

(Compl., at p. 5.)

Therefore, the Court will dismiss Plaintiff's complaint unless he amends his Complaint to specify the facts upon which his claims are based. Plaintiff must file an amended complaint within thirty (30) days of the date of this Order. Failure to do so will result in dismissal of the complaint.

SO ORDERED this 8th day of October 2008.

A handwritten signature in cursive script, appearing to read "Jane M. Moody".

UNITED STATES DISTRICT JUDGE