

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

**KEITHEN JONES
ADC #085316**

PLAINTIFF

V.

CASE NO. 4:14-CV-00008 DPM/BD

S. PENDELTON, et al.

DEFENDANTS

INITIAL ORDER FOR PRO SE PRISONER-PLAINTIFFS

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. Copies of rules can be found in the prison library.

In particular, Local Rule 5.5(c)(2) explains requirements for plaintiffs, like you, who are not represented by a lawyer:

1. You must promptly notify the Clerk and the other parties in the case of any change in address. You must inform the court if you are transferred from one unit to another. Notifying the court of your change in address is especially important if you are released from custody while your lawsuit is pending. If you do not keep the court informed as to your current address, your lawsuit can be dismissed.
2. You must monitor the progress of your case and prosecute the case diligently.
3. You must sign all pleadings and other papers filed with the court, and each paper you file must include your current address.
4. 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.

Second: Pay the Filing Fee. Every civil case filed by a prisoner – including this one – requires the plaintiff to pay a filing fee either at the beginning of the lawsuit or, if he cannot afford to pay the entire fee in a lump sum, to apply to proceed *in forma pauperis* (“IFP”). You have filed an application to proceed IFP and submitted all necessary documents. **Your motion, however, (docket entry #1) is DENIED.**

Because of your litigation history, you cannot proceed *in forma pauperis* in federal court absent an allegation that you are in imminent danger of serious physical injury. 28 U.S.C. § 1915(g). Although you claim that excessive force was used against you while you were housed at the Garland County Jail, you are currently housed in the East Arkansas Unit of the ADC. Accordingly, you have not pleaded sufficient facts to allege imminent danger of serious injury.

If you wish to proceed with this action, you must pay the \$400.00 filing fee within thirty (30) days. Failure to pay the fee will result in dismissal of this case.

Third: 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. If your case proceeds to a jury trial, however, a lawyer will be appointed to assist you before trial.

Fourth: Do Not File Your Discovery Requests. Discovery requests, such as interrogatories and requests for documents, are not to be filed with the court. Instead, discovery requests should be sent to counsel for the defendant (or directly to the defendant if he or she is not represented by a lawyer). No discovery should be sent to a defendant until after that defendant has been served with the complaint.

Fifth: Do Not Send Documents to Court Except in Two Situations. You may send documents or other evidence to the Court only if attached to a motion for summary judgment or in response to a motion for summary judgment; or if the court orders you to send documents or other evidence.

Sixth: Provide a Witness List. If your case is set for trial, as your trial date approaches, you will be asked to provide a witness list. After reviewing the witness list, the Court will subpoena necessary witnesses.

The Clerk of the Court is directed to send a copy of this Order to the Arkansas Department of Correction Trust Fund Centralized Banking Office, P.O. Box 8908, Pine Bluff, Arkansas 71611, the Arkansas Department of Correction Compliance Division, P.O. Box 20550, Pine Bluff, Arkansas 71612, and the Warden of the East Arkansas Regional Unit, Post Office Box 180, Brickeys, Arkansas 72320.

IT IS SO ORDERED, this 8th day of January, 2014.


UNITED STATES MAGISTRATE JUDGE