

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

JAY RANCEL,

Plaintiff,

v.

Case No: 2:17-cv-604-FtM-99MRM

MIKE SCOTT,

Defendant.

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**OPINION AND ORDER**<sup>1</sup>

This matter comes before the Court on Plaintiff Jay Rancel's handwritten document simply titled Complaint (Doc. #1), filed on November 3, 2017. Upon review of the pleading, it is unclear what relief is sought. Plaintiff appears to both complain about being trespassed from an undisclosed Publix grocery store and a McDonalds, and complains of an issue with reality television actress Brooke Hogan. Plaintiff states that he was Baker Acted on several occasions, placed in isolation, and was mistreated by deputies of the Lee County Sheriff's Office during the process. Id. Further, Plaintiff fails to use the civil rights complaint form or habeas corpus form required for use by pro se litigants to present their cases.

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As currently written, the instant pleading fails to contain the information required in a civil rights complaint or in a 28 U.S.C. § 2254 petition. For example, Plaintiff's allegations are virtually unintelligible, and the complaint does not contain the historical information concerning Plaintiff's prior federal cases. See 28 U.S.C. § 1915(g). Therefore, this case will be dismissed without prejudice to give Plaintiff an opportunity to properly file a civil rights complaint or 28 U.S.C. § 2254 habeas petition.

Accordingly,

it is hereby **ORDERED**:

1. This case is **DISMISSED** without prejudice.
2. The **Clerk of the Court** shall terminate any pending motions, close the case, and enter judgment accordingly.
3. The Clerk shall also send Plaintiff a civil rights complaint form, a 28 U.S.C. § 2254 habeas form, an affidavit of indigency form, and a prisoner consent form and financial certificate. If Plaintiff chooses to pursue a civil rights action or habeas action, he may complete and submit these forms. However, Plaintiff should not place the instant case number on the forms as this case will be closed. The Clerk will assign a separate case number in the event Plaintiff elects to pursue another action.

**DONE** and **ORDERED** in Fort Myers, Florida this 6th day of November, 2017.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies:  
Jay Rancel  
SA: FTMP-2