

FILED *am*

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

01 SEP 24 PM 3:41

CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

JULIUS ROUNDTREE,

Plaintiff,

vs.

Case No. 3:01-cv-1077-J-25TJC

PAUL C. DECKER, et al.,

Defendants.

ORDER OF DISMISSAL WITHOUT PREJUDICE

Plaintiff, an inmate of the Florida penal system proceeding pro se, initiated this action by filing a civil rights complaint on August 27, 2001, concerning an alleged assault upon him by Defendant Raulson at Baker Correctional Institution. The United States District Court for the Southern District of Florida transferred the case to this Court on September 4, 2001. Due to numerous deficiencies in the complaint, Plaintiff's case will be dismissed without prejudice to allow him to properly set forth his claims on a civil rights complaint form in accordance with the Court's instructions as stated below.

Plaintiff should review his claims to insure compliance with the requirements of 42 U.S.C. § 1983 and to allege facts showing how each named defendant violated his federal constitutional

rights. Specifically, Plaintiff has named Defendant Raulson in the style of the case, but has listed him as Officer "Roallings," "Roallins" and "Roullings" in the body of the complaint. Plaintiff must properly write Defendants' full names in the style of the case on the first page of the civil rights complaint form and in Section V(C)-(G) of the civil rights complaint form. Further, in naming administrative officials, Plaintiff must note that one cannot be held liable for the actions and/or omissions of others, but can only be held responsible if he participated in the deprivation of Plaintiff's constitutional rights or directed such action and/or omission that resulted in such deprivation. Finally, Plaintiff must show how he has been damaged (how he was harmed or injured by the actions and/or omissions of the Defendants).

Plaintiff is required to submit a copy of the civil rights complaint and all exhibits for each Defendant for service of process. Therefore, if Plaintiff chooses to refile, he must ensure that he submits a sufficient number of copies for service of process.

Further, in refiling, he must file an Affidavit of Indigency that is fully completed with submission of a computer printout that reflects the transactions made in his account for the six months preceding the filing of the complaint. Additionally, in completing the Affidavit of Indigency, he must ensure that page six is completed by an authorized financial officer of the penal

institution. Or, if Plaintiff is not proceeding in forma pauperis, he should submit the \$150.00 filing fee.

With regard to his claims, if Plaintiff refiles, he must set forth only related claims in one civil rights complaint. If there are unrelated claims, he should file a separate civil rights complaint form for each unrelated claim. This will assist the Court in an efficient and expeditious resolution of his cases. The Clerk of the Court will be ordered to send civil rights complaint forms to Plaintiff.

Finally, because exhaustion is a pre-condition to suit and because the administrative grievance procedures are so important for effectively determining how the prison has addressed the issues presented to it, it is extremely necessary and useful for Plaintiff to comply with the procedures as set forth in the instructions to the civil rights complaint form. Plaintiff must complete the grievance process with regard to all of the issues.

Plaintiff, as relief, requests that the Court enter an order banning Officer Raulson from wearing a badge or in the alternative terminate his employment at Baker Correctional Institution. Complaint at 10-11. Such relief cannot be granted by this Court; however, Plaintiff may on his own contact the proper authorities.

Thus, for these reasons, this Court is of the opinion that this case should be dismissed without prejudice.


It is now

ORDERED AND ADJUDGED:

1. This case is hereby dismissed **without prejudice**.
2. The Clerk of the Court shall enter judgment dismissing this case without prejudice.
3. The Clerk of the Court shall send two (2) civil rights complaint forms and two (2) Affidavit of Indigency forms to Plaintiff.

DONE AND ORDERED at Jacksonville, Florida, this 2nd day of September, 2001.


UNITED STATES DISTRICT JUDGE

 sc 9/21
c:
Julius Roundtree

F I L E C O P Y

Date Printed: 09/24/2001

Notice sent to:

— Julius Roundtree
Baker Correctional Institution
P.O. Box 500
Sanderson, FL 32087