

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

TERRANCE RICHARDSON,
Plaintiff,

vs.

Case No: 3:06cv485/LAC/EMT

SECRETARY, DEPARTMENT OF
CORRECTIONS,
Defendant.

ORDER

This cause is before the court upon Plaintiff's "Motion to Designate Rule 3.05," construed by the United States District Court for the Middle District of Florida as a civil rights complaint (*see* Docs. 1, 3). The Middle District transferred the case to the Northern District for all further proceedings (Doc. 3).

Local Rule 5.1(J) for the Northern District of Florida states that the court will not accept for consideration a civil rights complaint filed by a pro se litigant unless the appropriate complaint form is completed. Thus, Plaintiff must file his complaint on the form for use in civil cases filed under 42 U.S.C. § 1983, even if he wishes to attach separate pages explaining the facts that underlie the complaint. However, Plaintiff should not file a memorandum of law or otherwise provide citations to statutes and cases, and he should not file exhibits as evidentiary support for his complaint.¹ The court will notify Plaintiff when memoranda and exhibits are necessary, such as prior to trial or in conjunction with a motion for summary judgment. Plaintiff should completely fill out a new civil rights complaint form, marking it "**Amended Complaint,**" and he should write the case number in

¹As instructed on the complaint form, however, Plaintiff should attach all copies of grievances as are necessary to demonstrate that he has exhausted his available administrative remedies.

the appropriate space. Plaintiff is advised that the amended complaint must contain **all** of Plaintiff's allegations, and it should not in any way refer to the original complaint. Once an amended complaint is filed, all earlier complaints are disregarded. Local Rule 15.1, Northern District of Florida.

In addition, Plaintiff neither paid the filing fee nor filed a motion to proceed in forma pauperis with required documentation. Before this matter may proceed, Plaintiff must either pay the fee or obtain leave to proceed in forma pauperis by filing a fully and properly completed motion and attachments.

Accordingly, it is **ORDERED**:

1 The clerk is directed to send Plaintiff a complaint form for use in civil rights actions filed by prisoners in section 1983 actions, as well as a motion to proceed in forma pauperis and a prisoner consent form and financial certificate approved for use in the Northern District.

2 Plaintiff shall file an amended complaint using the court form. Additionally, Plaintiff shall either file a motion to proceed in forma pauperis with the required documentation (a signed prisoner consent form and a certified copy of his trust fund account statement for the six month period immediately preceding the filing of the complaint) or pay the full \$350.00 filing fee.

3. Plaintiff shall do the above within **THIRTY (30) DAYS** from the docketing date of this order. Failure to do so may result in a recommendation that this case be dismissed for failure to comply with an order of the court.

DONE AND ORDERED this 6th day of November 2006.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY

UNITED STATES MAGISTRATE JUDGE