

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

**SCOTT LARRY APEL,
Plaintiff,**

vs.

3:07cv200/MCR/MD

**JOYCE WILLIAMS, et al.,
Defendants.**

ORDER

This cause is before the court upon plaintiff filing a civil rights complaint under 42 U.S.C. § 1983 (doc. 1) and a motion to proceed *in forma pauperis* (doc. 2).

Plaintiff's complaint is deficient because it was not submitted on the appropriate form. Because plaintiff is a prisoner, he must submit his complaint on the form for use by prisoners. The complaint plaintiff filed is on the non-prisoner form. The difference in the forms is not insignificant.¹ Moreover, Local Rule 5.1(J) for the Northern District of Florida states that the court will not accept for consideration a complaint under section 1983 unless the appropriate complaint form is completed. To amend his complaint, plaintiff should completely fill out a new civil rights complaint form, marking it "**Amended Complaint.**" Plaintiff is advised that the amended complaint must contain **all** of his 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.

Additionally, plaintiff's motion to proceed *in forma pauperis* is deficient because no supporting documentation was provided. A complete application to proceed *in forma pauperis* includes a motion with supporting affidavit and a prisoner consent form and

¹The prisoner complaint form requires the plaintiff to disclose his prior litigation history.

financial certificate with attachments. The court will not process the complaint until all these forms, or the filing fee of \$350.00, is submitted.

Accordingly, it is ORDERED:

1. The clerk is directed to send plaintiff a § 1983 complaint form for prisoners, and a prisoner consent form. This case number shall be written on the forms.

2. Within **thirty (30) days** from the date of this order, plaintiff shall file an amended complaint on the court form as instructed above. In addition, he shall either: (1) correct the deficiency in his *in forma pauperis* application by filing a fully completed prisoner consent form and financial certificate with attachments (**a printout of the transactions in plaintiff's inmate trust account for the past six months**), or (2) pay the full \$350.00 filing fee.

4. Failure to respond to this order as instructed will result in a recommendation of dismissal of this action for failure to comply with an order of this court.

DONE AND ORDERED this 25th day of May, 2007.

/s/ *Miles Davis*

**MILES DAVIS
UNITED STATES MAGISTRATE JUDGE**