

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

**SIDNEY MARTS,
JOHNNIE PUTTS,
Plaintiffs,**

vs.

Case No. 3:08cv504/WS/MD

**WALTER A. MCNEIL, et al.,
Defendants.**

ORDER

Plaintiffs, inmates proceeding *pro se*, have filed a civil rights complaint pursuant to 42 U.S.C. § 1983 (doc. 1). In addition, Plaintiff Marts has submitted an application for leave to proceed *in forma pauperis* (doc. 2).

As a preliminary matter, plaintiffs should be aware that they may find it procedurally easier to each file separate complaints and pursue individual actions. If more than one *pro se* plaintiff is in a case, every pleading that is filed in the case must bear the original signature of each and every plaintiff or else it will be rejected by the Clerk. This requirement often becomes difficult, and possibly fatal to an action, due to the transfer or release of inmates. If the inmates pursue individual actions that contain identical issues, the individual actions can later be consolidated for trial.

Further, at present, only Plaintiff Marts has filed an application to proceed *in forma pauperis*. If plaintiffs wish to proceed together and without prepayment of costs, each plaintiff in this case must file a separate application to proceed *in forma pauperis*. If plaintiffs wish to pursue individual actions, they must notify the court of their intent to do so, and Plaintiff Marts shall retain this case number.

A complete application to proceed *in forma pauperis* includes a motion with supporting affidavit, and a prisoner consent form and financial certificate with supporting documentation. The supporting documentation must include a certified copy of the inmate's trust fund account statement for the six month period immediately preceding the filing of the complaint. Here, the relevant time period is from May 2, 2008 through November 2, 2008. If a plaintiff was incarcerated at more than one institution/jail during the six month period, he is required to obtain an account statement from the appropriate official of each facility at which he is or has been confined. If a plaintiff was not incarcerated in any institution/jail, then he should inform the court (by affidavit) of his whereabouts during the relevant time period.

Plaintiff Mart's submission is deficient because it does not contain the second page of the prisoner consent form, and does not include the requisite account printout(s). Thus, his application will be denied without prejudice to his refiling a new application that complies with the requirements outlined above.

Accordingly, it is ORDERED:

1. Plaintiff Mart's application to proceed *in forma pauperis* (doc. 2) is DENIED WITHOUT PREJUDICE.

2. If both plaintiffs wish to proceed in this case together, they shall have until November 24, 2008 to file with the court a notice that they wish to proceed jointly. This notice shall be a single document, signed by both plaintiffs. If such notice is filed, then Plaintiff Marts shall submit a new application to proceed *in forma pauperis* as directed herein; and Plaintiff Putts shall file a separate application to proceed *in forma pauperis* as directed herein.

3. If, on the other hand, each plaintiff wishes to pursue a separate action, each plaintiff shall have until November 24, 2008, to file a separate and individual notice stating that he intends to pursue a separate action. In this event, Plaintiff Marts shall proceed in this case and use this case number, and Plaintiff Putts may initiate a new cause of action by filing his own individual complaint in a separate mailing. Plaintiff Putts may request the appropriate forms needed for filing his separate § 1983 action from the Clerk. No case

number should be written on the separately filed complaint as it will be given a new case number by the Clerk.

4. Whether plaintiffs proceed individually or jointly, Plaintiff Marts shall have until December 8, 2008, to either (1) file a complete application to proceed *in forma pauperis* as instructed herein, or (2) pay the full \$350.00 filing fee.

5. Failure to respond to this order as instructed will result in a recommendation of dismissal of this action.

DONE AND ORDERED this 7th day of November, 2008.

/s/ *Miles Davis*

**MILES DAVIS
UNITED STATES MAGISTRATE JUDGE**