

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

WILLIAM PETERS,
Plaintiff,

vs.

CASE NO.: 3:08cv545/RV/MD

CHARLES HALLEY, et al.,
Defendants.

ORDER

This cause is before the court upon plaintiff's filing a civil rights complaint pursuant to 42 U.S.C. § 1983.

Plaintiff did not file his complaint on the required Northern District form. 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. Thus, plaintiff must file his complaint on the form for use in section 1983 cases, even if he wants 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.

Additionally, plaintiff has failed either to pay the filing fee of \$350.00 or to submit a motion to proceed *in forma pauperis*. Plaintiff's case cannot proceed until he either pays

¹ As 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 filing fee or files a properly completed *in forma pauperis* motion with supporting documentation.

Accordingly, it is ORDERED:

1. The clerk is directed to send plaintiff a §1983 complaint form which he should fill out and return along with proof he has exhausted all administrative remedies available to him.

2. The clerk shall also send to plaintiff a complete set of forms needed for filing a motion to proceed *in forma pauperis*. This case number should be written on the forms.

3. Plaintiff shall file an amended complaint using the court form. 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 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.

4. Plaintiff shall file either the completed motion to proceed *in forma pauperis*, or payment in the amount of \$350.00. A complete application to proceed *in forma pauperis* includes a motion with supporting affidavit and a prisoner consent form and financial certificate with attachments (a printout of the transactions in plaintiff's inmate trust account for the past six months). The court will not process the complaint until all the required forms are submitted.

5. Plaintiff shall do the above within **thirty (30) days** from the date of the docketing of this order. Failure to do so will result in a recommendation that this case be dismissed for failure to prosecute and failure to comply with an order of the court.

DONE AND ORDERED this 17th day of December, 2008.

/s/ *Miles Davis*
MILES DAVIS
UNITED STATES MAGISTRATE JUDGE