

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

CHARLES LITTON MORRIS,  
Plaintiff,

vs.

CASE NO.: 3:09cv474/MCR/MD

ESCAMBIA COUNTY JAIL, et al.,  
Defendants.

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**ORDER**

This cause is before the court upon plaintiff filing a civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. 1).

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 has been properly completed, signed and filed by the litigant. The court will therefore provide plaintiff an opportunity to correct this deficiency in an amended complaint. 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 neither paid the \$350.00 filing fee nor applied for leave to proceed *in forma pauperis*. Plaintiff’s case cannot proceed until he either pays the filing fee or files a complete application to proceed *in forma pauperis*. A complete application includes a motion with supporting affidavit, a prisoner consent form and a financial certificate with attachments (a printout of the transactions in plaintiff’s inmate trust account for the six-month period immediately preceding the filing of the complaint).

Accordingly, it is ORDERED:

1. The clerk shall send plaintiff a § 1983 complaint form and a form application to proceed *in forma pauperis*. This case number shall be written on the forms.
2. Within **thirty (30) days** of the date of this order, plaintiff shall file an amended complaint which shall be typed or clearly written, and submitted on the court form.
3. Within the same time period, plaintiff shall either submit payment in the amount of \$350.00, or file a complete application to proceed *in forma pauperis*.
4. Plaintiff's failure to comply with this order as instructed 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 17<sup>th</sup> day of November, 2009.

/s/ *Miles Davis*

**MILES DAVIS**  
**UNITED STATES MAGISTRATE JUDGE**