

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

ALVIN C. THOMPSON,
Plaintiff,

vs.

CASE NO.: 3:10cv74/MCR/MD

FLORIDA DEPARTMENT
OF CORRECTIONS,
Defendants.

ORDER

This cause is before the court upon plaintiff filing a civil rights complaint under 42 U.S.C. § 1983 in the Southern District of Florida. (Doc.1). Thereafter, the action was transferred to this court. (Doc. 5).

Plaintiff failed to file his complaint on the court form. Local Rule 5.1(J) for the Northern District of Florida states that the court will not accept for consideration a *pro se* complaint filed under section 1983 unless the appropriate complaint form is completed. Plaintiff will therefore be required to file an amended complaint. To amend his complaint, plaintiff should completely fill out a 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 his complaint).

Accordingly, it is ORDERED:

1. The clerk is directed to send plaintiff a § 1983 complaint form and a form application to proceed *in forma pauperis*. This case number should be written on the forms.

2. Within **twenty-eight (28) 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 comply with an order of the court.

DONE AND ORDERED this 23rd day of March, 2010.

/s/ *Miles Davis*

**MILES DAVIS
UNITED STATES MAGISTRATE JUDGE**