

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

ROBERT EARL ROYSTER,  
Plaintiff,

vs.

Case No. 3:10cv194/MCR/EMT

ESCAMBIA COUNTY SHERIFF'S OFFICE,  
et al.,  
Defendants.

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**ORDER**

This cause is before the court on Plaintiff's civil rights complaint filed pursuant to 42 U.S.C. § 1983 (Doc. 1). Upon review of the complaint, it is unclear whether Plaintiff intended to file the complaint as an original complaint in a new civil rights action, or as an amended complaint in Royster v. Morgan, Case No. 3:10cv29/MCR/MD. Therefore, Plaintiff will be required to clarify his intent.

If Plaintiff intended the complaint as an amended complaint in Case No. 3:10cv29/MCR/MD, he shall file a notice with the court stating such. If Plaintiff intended to commence a new civil rights action, he must either pay the \$350.00 filing fee or obtain leave to proceed in forma pauperis by filing a fully and properly completed motion and attachments.

Accordingly, it is **ORDERED**:

1. The clerk shall send Plaintiff a form motion to proceed in forma pauperis and affidavit of financial status for use by non-prisoners in the Northern District. This case number shall be written on the form.

2. If Plaintiff filed the instant complaint with the intent to commence a new civil rights action, he shall pay the filing fee of \$350.00, or submit a fully completed motion to proceed in forma pauperis with the requisite financial affidavit within **FOURTEEN (14) DAYS** from the date of docketing of this order. **ALTERNATIVELY**, if Plaintiff filed the instant complaint with the intent

to file an amended complaint in Case No. 3:10cv29/MCR/MD, he shall file a notice with the court stating such within **FOURTEEN (14) DAYS** from the date of docketing of this order.

3. Plaintiff's failure to comply with this order as instructed may result in a recommendation that this case be dismissed for failure to comply with an order of the court.

**DONE AND ORDERED** this 11<sup>th</sup> day of June 2010.

*/s/ Elizabeth M. Timothy*

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**ELIZABETH M. TIMOTHY**  
**UNITED STATES MAGISTRATE JUDGE**