

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

VICTOR PARKER,

Plaintiff,

v.

CASE NO. 4:11-cv-609-SPM-GRJ

FLORIDA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

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ORDER

Defendants, Secretary, Florida Department of Corrections, Tate, Cabrero-Muniz, Lowe, Scigliano, Edwards and Whidden removed this civil rights action to this Court on December 1, 2011 by filing a Notice of Removal. (Doc. 4.) The state court record reflects that on November 29, 2011 - prior to removal – the Defendants filed a Motion for Enlargement of Time to respond to the Complaint. (Doc. 4-1.) Defendants also have filed a Motion For Court to Order Plaintiff to Re-File Complaint on Court-Approved Form. (Doc. 3.)

Turning first to Defendants' Motion For Court to Order Plaintiff to Re-File Complaint on Court-Approved Form, Defendants request that the Court direct Plaintiff to utilize the Court's pre-approved form because the form is comprehensive and improves the efficiency of the Court. N.D.Fla.Loc. R. 5.1(J)(2) provides in relevant part that "No ... civil action commenced by *pro se* litigants ... shall be considered by the court unless the appropriate forms have been properly completed, signed, and filed by the litigant." One of the primary purposes of requiring *pro se* litigants to use the forms is to focus the claims and relief requested so that the Court will better be able to screen the

complaint to determine whether the action should proceed. Additionally, in the case of litigants in custody of the Department of Corrections use of the form assists the Court in determining whether a prisoner is subject to the PLRA's "three strikes" provision and the information required on the form assists the Court in efficiently managing prisoner litigation by showing whether a complaint is related to or is affected by another case. Although Plaintiff was not required to use the Court's form because the complaint was filed in state court, and the complaint is typed, the Court nonetheless, determines that use of the Court's form is necessary to efficiently manage this case. Accordingly, Defendants' Motion For Court to Order Plaintiff To Re-File Complaint On Court-Approved Form is due to be granted.

Defendants' Motion For Enlargement of Time, filed in state court, also is due to be granted, particularly in view of the fact that Plaintiff will be filing an amended complaint on the Court's approved form.

Accordingly, upon due consideration, it is **ORDERED**:

1. Defendants' Motion For Court to Order Plaintiff to Re-File Complaint on Court-Approved Form (Doc. 3) is **GRANTED**. The **Clerk** is directed to send the Plaintiff a blank *pro se* civil rights complaint form to be used by prisoners, which Plaintiff shall complete in full and file on or before **January 6, 2012**.
2. Defendants' Motion for Enlargement of Time to respond to the Complaint. (Doc. 4-1) is **GRANTED**. Defendants shall file their response to the amended complaint within **sixty (60) days** of the date the amended complaint is filed.
3. Failure to comply with this Order in the allotted time will result in a recommendation to the district judge that this cause be dismissed.

DONE AND ORDERED this 6th day of December 2011.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge