

THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

JULIO A. ROSA,
Plaintiff,

vs.

CASE NO.: 5:07cv90/RS/MD

CAPTAIN O'BRIAN, et al.,
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). The action was transferred to the Northern District of Florida for all further proceedings. (Doc. 5).

Plaintiff did not 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 complaint under 42 U.S.C. § 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. 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.

In addition, plaintiff did not submit the filing fee or file a motion to proceed *in forma pauperis* with required documentation. The court will not process the complaint until all the required forms are submitted.

Accordingly, it is ORDERED:

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

2. 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 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.

3. In addition to the foregoing, plaintiff shall either: (1) file a motion to proceed *in forma pauperis* with all accompanying documentation (signed prisoner consent form and a certified copy of his trust fund account statement for the six month period immediately preceding the filing of the complaint), or (2) pay the full \$350.00 filing fee.

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

DONE AND ORDERED this 11th day of May, 2007.

/s/ *Miles Davis*

**MILES DAVIS
UNITED STATES MAGISTRATE JUDGE**