

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

JOSE A. JIMENEZ,
Plaintiff,

vs.

CASE NO.: 5:08cv345/MCR/MD

REEDER, et al.,
Defendants.

ORDER

This cause is before the court upon plaintiff's filing a civil rights complaint under 42 U.S.C. § 1983 in the Southern District of Florida. However, this action was transferred to the Northern District of Florida for all further proceedings.

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 is completed. Thus, plaintiff must file his complaint on the this court's form for use in section 1983 cases, even if he wants to attach separate pages explaining the facts that underlie the complaint. 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.¹ 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.

Additionally, plaintiff did not file his motion to proceed *in forma pauperis* on the required Northern District form. The court will not process the complaint until all these forms are submitted.

¹ As instructed on the complaint form, however, plaintiff should attach all copies of grievances as are necessary to demonstrate that he has exhausted his available administrative remedies.

Accordingly, it is ORDERED:

1. The clerk is directed to send plaintiff a §1983 complaint form and a motion to proceed *in forma pauperis*.

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**," and he should write this case number in the appropriate space. Plaintiff is advised that the amended complaint must contain **all** of plaintiff's 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. The clerk shall return the attachments to the complaint to plaintiff.

3. Plaintiff shall file an application to proceed *in forma pauperis* and supporting documentation as instructed or pay the appropriate filing fee.

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

DONE AND ORDERED this 1st day of December, 2008.

/s/ *Miles Davis*

**MILES DAVIS
UNITED STATES MAGISTRATE JUDGE**