

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

GERALD PRITCHETT,

Plaintiff,

v.

CASE NO. 5:12-cv-356-MP-GRJ

UNITED STATES,

Defendant.

_____ /

ORDER

This matter is before the Court on Plaintiffs' *pro se* Complaint (Doc. 1). Plaintiff, a federal inmate, wishes to file suit under the Federal Tort Claims Act (FTCA). He alleges that a correctional officer at Federal Correctional Institution- Marianna issued a tool to three inmates that the inmates later used to break into Plaintiff's locker and steal his personal property. Plaintiff alleges that the correctional officer was negligent in not supervising the inmates' use of the tool. At the present time, Plaintiff's Complaint is deficient because it has not been filed on the proper court form. The Clerk will be directed to send Plaintiff a copy of the court's form so that he may refile his Complaint. Furthermore, Plaintiff has neither paid the civil case filing fee nor filed a motion for leave to proceed as a pauper. Further consideration of the Complaint will be deferred until payment is received or Petitioner is granted leave to proceed as a pauper.

Accordingly, it is

ORDERED AND ADJUDGED:

1. The Clerk shall send Plaintiff a civil rights complaint form for prisoner *pro se* litigants, and a form application to proceed *in forma pauperis*. This case number should be written on the forms.

2. Plaintiff shall file an amended complaint, which shall be typed or clearly written in English, and submitted on the court form **on or before December 5, 2012**. In amending his complaint, Plaintiff shall not refer back to his original complaint and shall not incorporate any part of his original complaint by reference. Plaintiff shall also submit 2 identical service copies of the amended complaint.
3. Within the same time period, Plaintiff shall either submit the civil filing fee, or file a complete application to proceed *in forma pauperis* on the court's form.
4. That failure to comply with this order as instructed, or to show cause as to why Plaintiff is unable to comply, may result in the dismissal of this case for failure to prosecute and failure to comply with an order of this court.

DONE AND ORDERED this 5th day of November 2012.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge