

## United States District Court, Northern District of Illinois

<b>Name of Assigned Judge or Magistrate Judge</b>	ROBERT M. DOW, JR.	<b>Sitting Judge if Other than Assigned Judge</b>	
<b>CASE NUMBER</b>	12 C 9874	<b>DATE</b>	2/5/13
<b>CASE TITLE</b>	Larry Banks (#B-42423) vs. People of the State of Illinois, et al.		

### DOCKET ENTRY TEXT:

The amended complaint is dismissed, without prejudice. Plaintiff is granted thirty-five days to submit a second amended complaint (plus a judge's copy and service copies) limited to a single, core claim. The Clerk is directed to provide Plaintiff with an amended civil rights complaint form and instructions along with a copy of this order. Failure to submit a second amended complaint within thirty-five days, as directed, will result in summary dismissal of this case.

■ [For further details see text below.]

**Docketing to mail notices.**

### STATEMENT

Plaintiff, an Illinois state prisoner, has brought this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff appears to claim, essentially, that: (1) Chicago police officers violated Plaintiff's constitutional rights by subjecting him to multiple illegal searches and seizures; (2) Cook County State's Attorneys maliciously prosecuted him and engaged in prosecutorial misconduct in the ensuing criminal proceedings, resulting in a wrongful conviction; and (3) the trial court committed numerous errors and imposed an unjust sentence.

By Minute Order of December 20, 2012, the Court granted Plaintiff's motion for leave to proceed *in forma pauperis* but directed him claim to submit an amended complaint limited to a single, core claim, in accordance with *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) and Fed. R. Civ. P. 18, *et seq.* Plaintiff has submitted an amended complaint, as directed; however, the amended pleading does not comply with the Court's order. Therefore, Plaintiff will be given the opportunity to submit a second amended complaint that satisfies the Court's directives.

Rather than submitting an amended complaint plus judge's and service copies relating to a single claim, Plaintiff has submitted multiple complaints and a habeas petition raising his various claims. However, there can  
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**STATEMENT (continued)**

be only one operative complaint in a single action. Plaintiff cannot evade the one-claim-per-lawsuit rule simply by breaking down his claims into separate complaints. Plaintiff must choose a single, core claim to pursue under this case number. Any other civil rights claims Plaintiff may wish to prosecute, as well as any habeas corpus actions, must be brought in separate lawsuits. New claims/new lawsuits should not bear Case No. 12 C 9874 and should include *in forma pauperis* applications, as new cases will be opened and new filing fees will be assessed.

Plaintiff is granted thirty-five days from the date of this order to submit a second amended complaint on the Court's required form. The second amended complaint must contain one, core claim. Again, the Court cannot accept a single amended complaint raising multiple, unrelated claims. Nor can Plaintiff submit, under one case number, multiple amended complaints or habeas petitions advancing different claims.

Plaintiff must write both the case number and the judge's name on the second amended complaint, sign it, and return it to the Prisoner Correspondent. **As with every document filed with the Court, Plaintiff must provide an extra copy for the judge; he must also submit a service copy for each Defendant named in the amended complaint.** Plaintiff is cautioned that an amended pleading supersedes the original complaint and must stand complete on its own. Therefore, all allegations against all Defendants Plaintiff chooses to sue in this single-claim lawsuit must be set forth in the second amended complaint, without reference to earlier pleadings. Any exhibits Plaintiff wants the Court to consider in its threshold review of the second amended complaint must be attached, and each copy of the second amended complaint must include complete copies of any and all exhibits. Plaintiff is advised to keep a copy for his files.

Plaintiff is once again urged to use only the space and margins provided, and to state only the basic facts underlying his claims. Under federal notice pleading, it is enough to state what wrongful action each named Defendant allegedly committed, and when. Plaintiff should refrain from using legal terms and citing constitutional provisions, as his "legalese" only makes his submissions difficult to understand.

The Clerk will provide Plaintiff with an amended civil rights complaint form and instructions along with a copy of this order. If Plaintiff fails to comply within thirty-five days, the case will be summarily dismissed.

A handwritten signature in black ink, appearing to be "N. D. J.", is located in the lower right quadrant of the page.