

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Zagel	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	13 C 1353	DATE	3/11/13
CASE TITLE	Kedar Patel (#45282-424) v. Lutheran General Hospital, et al.		

DOCKET ENTRY TEXT:

Plaintiff's application to proceed *in forma pauperis* ("IFP") [3] is denied without prejudice. Plaintiff's complaint is dismissed without prejudice. Within 30 days of the date of this order, Plaintiff must: (1) submit a completed IFP application or, alternatively, pre-pay the \$350 filing fee, and (2) submit an amended complaint in accordance with this order. The clerk shall send Plaintiff an IFP application and an amended complaint form, along with a copy of this order. Plaintiff's failure to comply with this order within 30 days will result in summary dismissal of the case. Plaintiff's motion for the appointment of counsel [4] is denied without prejudice.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff, Kedar Patel, currently confined at the federal Metropolitan Detention Center in Brooklyn, N.Y., has filed this civil rights complaint against Lutheran General Hospital in Niles, Illinois and what appears to be several members of its staff. Plaintiff states that officers illegally entered his house, raped his mother, illegally searched him, and took him to Luterhan General Hospital, where he was given "lethal" doses of medication.

Plaintiff seeks to file his complaint *in forma pauperis* ("IFP"). His IFP application, however, is incomplete, as it does not include a completed certificate section or a copy of his jail trust fund account for a six-month period preceding his filing of this complaint. The Prison Litigation Reform Act requires all inmates to pay the full filing fee. If an inmate is unable to prepay the \$350 filing fee, he may submit an application to proceed IFP, which allows the inmate to pay the filing fee with monthly deductions from his trust fund account. If the court grants the IFP application, the court will direct correctional officials to deduct an initial partial payment of the filing fee directly from the inmate's trust fund account, and to make further monthly deductions from that account until the full filing fee is paid. To enable the court to determine if Plaintiff qualifies as a pauper and to make the necessary assessment of the initial partial filing fee, Plaintiff must, with his application, "submit a certified copy of the trust fund account statement ... for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . , obtained from the appropriate official of each prison at which the prisoner is or was confined." 28 U.S.C. § 1915(a)(2). To proceed with this case, Plaintiff must resubmit a completed IFP application that includes his jail trust fund statement. Alternatively, he may pre-pay the \$350 filing fee. His failure to satisfy the filing fee requirement within 30 days of this order will result in the dismissal of this case. N.D. Ill. Local Rule 3.3(e).

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STATEMENT (continued)

The court has conducted its preliminary review of the complaint in accordance with 28 U.S.C. § 1915A. Plaintiff's claims appear to be frivolous, *Hutchinson v. Spink*, 126 F.3d 895, 899 (7th Cir. 1997) (a claim is frivolous if it is "fanciful, fantastic, delusional, irrational, or wholly incredible") but, even if his allegations could possibly be considered true, Plaintiff does not state how the parties named as Defendants were involved and it is unclear what claims he seeks to allege against them. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (to satisfy the notice-pleading requirement, a complaint must provide each defendant with sufficient information of the claim being alleged against him and the grounds upon which the claim rests).

Accordingly, the complaint is dismissed without prejudice to Plaintiff submitting an amended complaint that states valid claims and that clearly states the claims asserted against each Defendant. Plaintiff is advised that an amended complaint replaces a prior complaint and must stand complete on its own. The court will look only to the amended complaint to determine the claims and parties to this case. Also, Plaintiff must include a judge's copy and a service copy for each named Defendant.

Therefore, in order for Plaintiff to proceed with this case, within 30 days of the date of this order, he must: (1) either submit a completed *in forma pauperis* application or pre-pay the \$350 filing fee, and (2) submit an amended complaint that names the parties he seeks to sue, that provides sufficient information about his claim, and that states non-frivolous claims. Failure to comply with this order will result in summary dismissal of this case.