

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

BILLIE R. HALE,)
)
 Plaintiff,)
)
 v.) No. 1:12-CV-0188-SNLJ
)
 UNKNOWN COOPER, et al.,)
)
 Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court upon review of plaintiff's pro se complaint. The complaint is defective because it has not been drafted on a Court-provided form. See Local Rule 2.06(A). Moreover, plaintiff has neither paid the filing fee nor submitted a motion to proceed in forma pauperis along with a prison account statement. See 28 U.S.C. § 1915(a). Plaintiff must file the proper forms before this case may proceed.

Additionally, plaintiff has filed a motion for temporary restraining order. The motion will be denied because plaintiff has not demonstrated a likelihood of success on the merits or irreparable harm. E.g., Dataphase Sys. v. CL Sys., 640 F.2d 109, 113-14 (8th Cir. 1981) (en banc).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for temporary restraining order [Doc. 2] is **DENIED**.

IT IS FURTHER ORDERED that the Clerk shall mail to plaintiff a copy of the Court's form Prisoner Civil Rights Complaint.

IT IS FURTHER ORDERED that the Clerk shall mail to plaintiff a copy of the Court's form Motion to Proceed In Forma Pauperis – Prisoner Cases.

IT IS FURTHER ORDERED that plaintiff shall file an amended complaint on the Court-provided form within thirty (30) days of the date of this Order. Plaintiff is advised that his amended complaint will take the place of his original complaint and will be the only pleading that this Court will review.

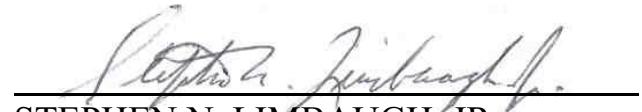
IT IS FURTHER ORDERED that plaintiff shall either pay the \$350 filing fee or submit a motion to proceed in forma pauperis within thirty (30) days of the date of this Order.

IT IS FURTHER ORDERED that if plaintiff submits a motion to proceed in forma pauperis, he must also submit a certified copy of his prison account statement for the six-month period immediately preceding the filing of his complaint.

IT IS FURTHER ORDERED that if plaintiff fails to comply with this Order, the Court will dismiss this action without prejudice. If the case is dismissed for non-

compliance with this Order, the dismissal will not constitute a “strike” under 28 U.S.C. § 1915(g).

Dated this 13th day of November, 2012.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE