

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

RICHARD L. SIMMONS,)
)
 Plaintiff,)
)
 v.) No. 1:13CV138 SNLJ
)
 DANNY DODSON, et al.,)
)
 Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of Richard L. Simmons (registration no. 1030094), an inmate at Southeast Correctional Center, for leave to commence this action without payment of the required filing fee. For the reasons stated below, the Court finds that plaintiff does not have sufficient funds to pay the entire filing fee and will assess an initial partial filing fee of \$12.20. See 28 U.S.C. § 1915(b)(1). Additionally, the Court will require plaintiff to file a second amended complaint that complies with the Federal Rules of Civil Procedure.

Plaintiff brings this action under several federal statutes and state law against several officials at the Pemiscot County Justice Center. Plaintiff complains that he was denied adequate medical care, and he also complains that jail officials took money from his social security income to pay for his medications.

The 136-page complaint, which is poorly handwritten, is far too long. Plaintiff rambles about states of affairs that are not related to his claims, he cites case law unnecessarily, and he often repeats his allegations or presents too much detailed information. This makes the complaint difficult to review, and defendants cannot be expected to respond to the inarticulate allegations.

Rule 8(a) of the Federal Rules of Civil Procedure requires that a complaint contain (1) “a short and plain statement of the grounds for the court’s jurisdiction,” (2) “a short and plain statement of the claim showing that the pleader is entitled to relief,” and (3) “a demand for the relief sought.” Because the complaint is overly long and repetitive, it does not comply with Rule 8(a), and it is dismissible as a result. See Micklus v. Greer, 705 F.2d 314, 317 n. 3 (8th Cir. 1983).

Rule 10(b) requires that all allegations “of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances.”

Plaintiff must file an amended complaint that complies with Rules 8 and 10. He must allege specifically what each defendant did that injured him, but he must not cite to case law or develop unnecessary history. He must use numbered paragraphs. And he must group his claims into coherent categories, such as “Social Security Claims” or “Inadequate Medical Care Claims.” And within each category, he must

state which defendants are involved within it and how each defendant violated his rights. Finally, plaintiff must make every effort to draft the amended complaint in a legible manner; using a typewriter is preferable to hand writing.

Plaintiff shall have thirty days from the date of this Order to file an amended complaint that complies with this Order. Plaintiff is warned that the filing of an amended complaint replaces the original complaint, and claims that are not realleged are deemed abandoned. E.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation, 396 F.3d 922, 928 (8th Cir. 2005). If plaintiff fails to file an amended complaint within thirty days, the Court will dismiss this action without prejudice.

Accordingly,

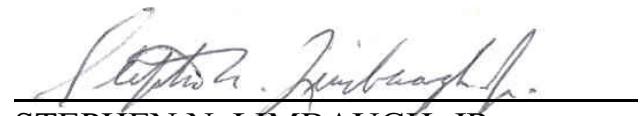
IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. 4] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff shall pay an initial filing fee of \$12.20 within thirty (30) days of the date of this Order. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for an original proceeding.

IT IS FURTHER ORDERED that plaintiff may file an amended complaint within than 30 days from the date of this Order.

IT IS FURTHER ORDERED that if plaintiff fails to comply with this Order, the Court will dismiss this action without further proceedings.

Dated this 28th day of October, 2013.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE