

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

FOREST CONAN KINCADE,

Plaintiff,

v.

KENNETT, MO CITY POLICE  
DEPARTMENT, et al.,

Defendants.

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No. 1:14-CV-154-SNLJ

**MEMORANDUM AND ORDER**

This matter is before the Court upon its own motion. By Memorandum and Order entered on November 4, 2014, the Court noted that plaintiff had failed to state a claim against defendants because he did not indicate that they were being sued in their individual capacities. Because plaintiff is proceeding pro se, the Court afforded him the opportunity to file an amended complaint. However, the Court did not order the Clerk to send plaintiff a “Prisoner Civil Rights Complaint” form. Plaintiff’s amended complaint, which was not drafted on a Court-provided form, failed to indicate that defendants were being sued in their individual capacities.

Because plaintiff is proceeding pro se, and because the Court did not provide him with a “Prisoner Civil Rights Complaint” form, the Court will afford plaintiff one more opportunity to file an amended complaint. Plaintiff shall have twenty-one days from the date of this Order to file an amended complaint. The amended complaint shall be drafted on the Court-provided form. Plaintiff is warned that the filing of an amended complaint replaces the original complaint, and so he must include each and every one of his claims in the amended complaint. E.g., In re Wireless Telephone Federal Cost Recovery Fees Litig., 396 F.3d 922, 928 (8th Cir. 2005). In order to sue defendants in their individual capacities, plaintiff must specifically say so in the

complaint. If plaintiff fails to file an amended complaint on the Court-provided form within twenty-one days, the Court will dismiss this action without prejudice.

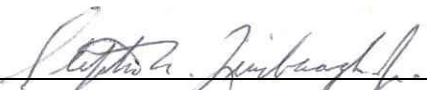
Accordingly,

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

**IT IS FURTHER ORDERED** that plaintiff shall file an amended complaint on the Court-provided form within twenty-one (21) days of the date of this Order.

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

Dated this 21<sup>st</sup> day of November, 2014.

  
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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE