

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

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of Shirley Jean McVay for leave to commence this action without payment of the required filing fee [Doc. #7]. Upon consideration of the financial information provided with the motion, the Court finds that plaintiff is financially unable to pay any portion of the filing fee, and therefore, the motion will be granted and plaintiff will not be assessed an initial partial filing fee at this time. Furthermore, after reviewing the two supplements that plaintiff filed in response to this Court's March 4, 2015 Memorandum and Order [Doc. #3], the Court will instruct her to file an amended complaint on a Court-provided form, as more fully set forth below.

Discussion

The Court's March 4, 2015 Memorandum and Order instructed plaintiff to file an amended complaint on a court-provided form. Rather than complete the form complaint, plaintiff has chosen to submit certain pages, beginning with page 4; however, this is not what the Court ordered, and it remains unclear exactly what the nature of plaintiff's claims are in this case and who the intended defendants are.

The Federal Rules of Civil Procedure require litigants to formulate their pleadings in an organized and comprehensible manner. Even pro se litigants are obligated to abide by the Federal Rules of Civil Procedure. See U.S. v. Wilkes, 20 F.3d 651, 653 (5th Cir. 1994); Boswell v. Honorable Governor of Texas, 138 F.Supp.2d 782, 785 (N.D. Texas 2000); Fed.R.Civ.P. 8(a)(2) (complaint should contain short and plain statement of claims); Fed.R.Civ.P. 8(e)(2) (each claim shall be simple, concise, and direct); Fed.R.Civ.P. 10(b) (parties are to separate their claims within their pleadings the contents of which shall be limited as far as practicable to a single set of circumstances). Although the Court is to give the complaint the benefit of a liberal construction, the Court will not create facts or claims that have not been alleged. Plaintiff is required, to the best of her ability, to set out in a simple, concise, and direct manner, not only her claims, but also the

facts supporting these claims as to each named defendant. Because plaintiff has failed to do so, the Court is unable to determine the nature of her claims.

Taking into consideration the fact that plaintiff is proceeding pro se and in forma pauperis, the Court will once more grant her additional time to file an amended complaint. The amended complaint shall be typed or legibly handwritten on a Court-provided form for filing a prisoner civil rights complaint. Plaintiff is advised that the amended complaint will supersede her original complaint and supplements and will be the only complaint this Court reviews. Moreover, in the section of the complaint entitled "Statement of Claim," plaintiff must set out, in separate numbered paragraphs and in a simple, concise, and direct manner, the specific facts relative to her claim(s) against each of the named defendants. Plaintiff should not attach exhibits to her amended complaint, nor should she file any supplements to it. All allegations must be set forth in one amended complaint. Plaintiff risks dismissal of the instant action if she fails to comply with this Court's instructions.

In accordance with the foregoing,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. #7] is **GRANTED**, and no initial partial filing fee will be assessed at this time, due to plaintiff's lack of funds.

IT IS FURTHER ORDERED that, pursuant to the Court's instructions set forth herein, plaintiff shall file an amended complaint on a Court-provided form within thirty (30) days from the date of this Order.

IT IS FURTHER ORDERED that, in addition to a copy of this Order, the Clerk shall forward to plaintiff the Court-provided form for filing a prisoner's civil rights complaint.

IT IS FURTHER ORDERED that plaintiff's failure to amend her complaint in accordance with this Court's instructions will result in the dismissal of this action, without prejudice and without further notice to her.

Dated this 17th day of March, 2015.



UNITED STATES DISTRICT JUDGE