

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

EARL SEWELL,)	
)	
Plaintiff,)	
)	
v.)	No. 2:15CV26 HEA
)	
DEAN MINOR,)	
)	
Defendant.)	
)	
)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's pro se complaint. The complaint is defective because 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), and also because the complaint was not drafted on a Court-provided form, *see* Local Rule 2.06(A).

Plaintiff, an inmate at the Moberly Correctional Center, states that he is in administrative segregation and Court-provided forms will not be given to him while in segregation; however, he also states that he may be ordered back to general population on April 15, 2015, where he does have access to the Court forms. As such, the Court will instruct plaintiff to file an amended complaint on the Court-provided form, if possible, and if plaintiff is denied access to the Court form, he is instructed to file an amended complaint on separate pieces of paper of his choosing. In either case, plaintiff must comply with Rules 8 and 10 of the Federal Rules of Civil Procedure. Specifically, plaintiff shall set forth the name of each defendant he wishes to sue and in what capacity he is suing each defendant (i.e., individual, official, or both); and for his "Statement of

Claim," plaintiff shall start by typing or writing the defendant's name, and under that name, he shall set forth in separate numbered paragraphs the allegations supporting his claim(s) as to that particular defendant, as well as the right(s) that he claims that particular defendant violated. If plaintiff is suing more than one defendant, he shall proceed in this manner with each of the named defendants, separately setting forth each individual name and under that name, in numbered paragraphs, the allegations specific to that particular defendant and the right(s) that he claims that particular defendant violated.

The amended complaint must contain *short and plain statements* showing that plaintiff is entitled to relief, the allegations must be simple, concise, and direct, and the numbered paragraphs must each be *limited to a single set of circumstances*. Plaintiff should not attach any exhibits to the amended complaint. Because the Court is allowing plaintiff to amend his complaint, it will take no action as to the named defendant at this time. Plaintiff is advised that the amended complaint will replace the original complaint and will be the only pleading this Court reviews. *See, e.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005).

If plaintiff wishes to pursue additional claims against additional defendants, and the claims do not arise from the same transaction or occurrence he has chosen to advance in his amended complaint, he must file each such claim(s) on a separate complaint form and either pay the \$400 filing fee or file a motion for leave to proceed in forma pauperis and certified inmate account statement.

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 the Clerk shall mail to plaintiff a copy of the Court's Motion to Proceed in Forma Pauperis - Prisoner Cases.

IT IS FURTHER ORDERED that, in accordance with the Court's instructions set forth above, plaintiff shall file an amended complaint within (30) days of the date of this Order.

IT IS FURTHER ORDERED that plaintiff shall either pay the \$400 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 and without further notice. If the case is dismissed, the dismissal will not constitute a "strike" under 28 U.S.C. § 1915(g).

Dated this 17th day of April, 2015.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE