

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

FRANKLIN G. ENDICOTT,

Plaintiff,

v.

LARRY ALLEN, et al.,

Defendants,

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No. 2:17-CV-29 DDN

MEMORANDUM AND ORDER

This matter is before the Court on review of amended complaint. The complaint does not comply with the Federal Rules of Civil Procedure or 28 U.S.C. § 1654 because plaintiff attempts to bring claims on behalf of other prisoners. As a result, plaintiff must file a second amended complaint bringing claims solely on behalf of himself.

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 Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). Any claims from the original complaint that are not included in the amended complaint will be considered abandoned. *Id.* Plaintiff must allege how each and every defendant is directly responsible for the alleged harm. In order to sue defendants in their individual capacities, plaintiff must specifically say so in the complaint. If plaintiff fails to sue defendants in their individual capacities, this action may be subject to dismissal.

Furthermore, the complaint must comply with Rules 8 and 10 of the Federal Rules of Civil Procedure. Rule 8(a) requires that the complaint contain “a short and plain statement of the claim showing that [plaintiff] is entitled to relief . . .” And Rule 10(b) requires a plaintiff to

“state [his] claims . . . in numbered paragraphs, each limited as far as practicable to a single set of circumstances.” The complaint must not attempt to bring claims on behalf of other prisoners.

Finally, plaintiff must pay an initial partial filing fee of \$16.00 in accordance with 28 U.S.C. § 1915(b).

Accordingly,

IT IS HEREBY ORDERED that plaintiff must file a second amended complaint no later than **August 16, 2017**.

IT IS FURTHER ORDERED that plaintiff must pay an initial filing fee of \$16.00 no later than **August 16, 2017**. 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.¹

IT IS FURTHER ORDERED that the motion of Craig Dawdy for leave to proceed in forma pauperis is **DENIED as moot**.

If plaintiff does not comply with this Order, the Court will dismiss this action without further proceedings.

Dated this 26th day of July, 2017.



DAVID D. NOCE
UNITED STATES MAGISTRATE JUDGE

¹ Prisoners must pay the full amount of the \$350 filing fee. After payment of the initial partial filing fee, the prisoner is required to make monthly payments of 20 percent of the preceding month’s income credited to the prisoner’s account. The agency having custody of the prisoner will deduct the payments and forward them to the Court each time the amount in the account exceeds \$10. 28 U.S.C. § 1915(b)(2).