

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

**MEMORANDUM AND ORDER**

Plaintiff, a prisoner, seeks leave to proceed in forma pauperis in this civil action under 42 U.S.C. § 1983. Having reviewed Plaintiff's financial information, the Court assesses a partial initial filing fee of \$31.00, which is twenty percent of his average monthly deposit. *See* 28 U.S.C. § 1915(b).

On initial review, the Court finds that 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 an 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 a complaint contain “a short and plain statement of the claim showing that [the 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.” Plaintiff must not attempt to bring claims on behalf of other prisoners in his amended complaint.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff’s motion to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff must pay an initial filing fee of \$31.00 within twenty-one (21) 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.<sup>1</sup>

**IT IS FURTHER ORDERED** that the Clerk is directed to send Plaintiff a prisoner civil rights complaint form.

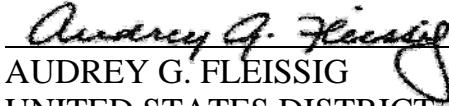
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<sup>1</sup> Prisoners must pay the full amount of the \$350 filing fee. After payment of the initial partial filing fee, the prisoner is required to make monthly payments of 20 percent of the preceding month’s income credited to the prisoner’s account. 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).

**IT IS FURTHER ORDERED** that Plaintiff must file an amended complaint no later than twenty-one (21) days from the date of this Order.

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

Dated this 28th day of July, 2017.

  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE