

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JEFFREY O'QUINN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:09-CV-1845-FRB
)	
TOM SLEMMER, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for leave to commence this action without payment of the required filing fee pursuant to 28 U.S.C. § 1915(a).

Local Rule 2.05(A) provides that "[a]n application to proceed in forma pauperis shall be accompanied by a statement of the applicant's financial information set forth on a form provided by the Court." Although plaintiff has submitted a motion for leave to proceed in forma pauperis, he has not submitted a CJA Form 23 financial affidavit. Therefore, the Court has no information as to plaintiff's financial status and is unable to determine whether plaintiff is financially unable to pay any portion of the filing fee. See 28 U.S.C. § 1915(a)(1); Local Rule 2.05(A). Accordingly, the Court will order plaintiff to file a CJA Form 23 financial affidavit.

In addition, the Court notes that plaintiff has not signed the complaint, as required under the Federal Rules of Civil Procedure. See Fed. R. Civ. P. 11. Rule 11 specifically states that an unsigned complaint "shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader." Because plaintiff is proceeding pro se and in forma pauperis, the Court will give him an opportunity to cure this defect by ordering him to submit a signed complaint.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall provide plaintiff the court-provided CJA Form 23 financial affidavit.

IT IS FURTHER ORDERED that plaintiff shall submit a completed CJA Form 23 financial affidavit on before December 24, 2009.

IT IS FURTHER ORDERED that if plaintiff fails to timely submit a CJA Form 23, the Court will order the Clerk of Court to dismiss the complaint.

IT IS FURTHER ORDERED that upon plaintiffs submission of completed CJA Form 23 financial affidavit, the Clerk shall resubmit this case to the Court for review pursuant to 28 U.S.C. § 1915.

IT IS FURTHER ORDERED that the Clerk shall send the original complaint to plaintiff, as well as a copy of this Order, for the purpose of obtaining a signed original complaint.

IT IS FURTHER ORDERED that on or before December 24, 2009, plaintiff shall submit a complaint bearing his original signature.

IT IS FURTHER ORDERED that upon submission of a signed complaint, this action will be submitted to the Court for review pursuant to 28 U.S.C. § 1915(e)(2)(B).

IT IS FURTHER ORDERED that if plaintiff fails to timely submit a signed complaint, the complaint will be dismissed, without prejudice.

Dated this 4th day of December, 2009.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE