

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CHARLIE J. ADAWAY, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JOHN DOE, et al., )  
 )  
 Defendants. )

Case No. 4:10CV890 RWS


**MEMORANDUM AND ORDER**

This matter is before me on a document received by the Court from plaintiff. This document is a handwritten form complaint and appears to be substantially the same complaint as the amended complaint, except that plaintiff has omitted from the caption the capacity in which the defendants are being sued. Defendants have already waived service of the amended complaint, and their response is due September 7, 2010. Plaintiff has not filed a motion to amend his complaint as required, so the Court is unable to determine if plaintiff is attempting to file a second amended complaint. Therefore, the Court will grant plaintiff twenty days from the date of this Order to inform the Court by written memorandum whether he intends this document, filed by the Clerk of the Court as an attachment to this Memorandum and Order, to be submitted as a proposed Second Amended Complaint. If he does, plaintiff must also submit within twenty days a motion for leave to amend his complaint. If he does

not intend to amend his complaint with this document, then plaintiff should so state and should stop sending the Court multiple copies of his complaint.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff should advise the Court in writing within twenty days of the date of this Order whether he intends the document attached to this Order to be submitted as a proposed Second Amended Complaint. If he does, he must also submit a motion for leave to amend his complaint within twenty days of the date of this Order.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 6th day of August, 2010.