

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

EMZILE LEE WILBURN d/b/a,)
BIZ-ZZZ LEE'S ENTERPRI-ZZZ'S)
EAST SIDE AUTO REPAIR,)
)
 Plaintiff,)
)
 v.) No. 4:12CV1283 SNLJ
)
)
 UNITED STATES OF AMERICA,)
)
)
 Defendant.)

MEMORANDUM AND ORDER

Before the Court is plaintiff's motion for extension of time to file his amended complaint in correspondence with this Court's July 26, 2012 Memorandum and Order. Plaintiff additionally seeks a copy of the Court's Prisoner Civil Rights Complaint form.

Plaintiff has not indicated exactly how long of an extension of time he needs to comply with this Court's Memorandum and Order, noting only that he is currently housed in administrative segregation and has limited access to the prison law library. The Court will provide plaintiff with an additional thirty (30) days from the date of this Memorandum and Order to amend his pleading on a court-provided form.¹

¹Although plaintiff is allegedly filing a claim against the United States pursuant to Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971), he should still use the Court's form complaint used in Prisoner Civil Rights Actions. A claim under Bivens involves the same analysis as one arising under 42 U.S.C. § 1983. See Gordon v. Hansen, 168 F.3d 1109, 1113 (8th Cir. 1999).

However, plaintiff will not be given any additional time to amend his pleadings without good cause being shown. Rather, if plaintiff fails to amend in a timely manner, this lawsuit will be dismissed, without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for extension of time to comply with this Court's July 26, 2012 Memorandum and Order [Doc. #5] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall mail to plaintiff a copy of the Court's Prisoner Civil Rights Complaint form.

IT IS FURTHER ORDERED that no later than thirty (30) days from the date of this Memorandum and Order plaintiff shall file an amended complaint on a court-provided Prisoner Civil Rights Complaint form.

IT IS FURTHER ORDERED that if plaintiff fails to file his amended complaint, on a court-form, within thirty (30) days of the date of this Memorandum and Order, without good cause being shown, this case shall be dismissed, without prejudice.

Dated this 29th day of August, 2012.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE