

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

CHARLES KYLES-BEY,)	
)	
Plaintiff,)	
)	
)	No. 4:13CV998 SPM
)	
UNKNOWN EYMAN, et al.,)	
)	
Defendants,)	

MEMORANDUM AND ORDER

Plaintiff, an inmate at Jefferson City Correctional Center, brings this action under 42 U.S.C. § 1983 for alleged violations of his 8th Amendment right to be free from cruel and unusual punishment. Plaintiff seeks leave to proceed in forma pauperis under 28 U.S.C. § 1915, and based on a review of plaintiff’s financial information, the Court will impose a partial initial filing fee of \$8.09.

Pursuant to the Prison Litigation Reform Act, the Court is required to screen prisoner cases and must dismiss a complaint, or any portion of the complaint, if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b).

The Federal Rules require short, plain, and concise pleadings. Rule 8(a)(2) of the Federal Rules of Civil Procedure states that a complaint must contain “a

short and plain statement of the claim showing that the pleader is entitled to relief.” And Rule 10(b) requires that a party “state its claims . . . in numbered paragraphs, each limited as far as practicable to a single set of circumstances.”

The complaint does not comply with the pleading standards of the Federal Rules. The allegations are set forth in a stream-of-consciousness style without paragraph breaks, and the allegations are unduly repetitive. As a result, it is difficult to determine what plaintiff’s claims are against each of the individual defendants.

The Court will require plaintiff to submit an amended complaint that complies with the Rules. Plaintiff should state plainly and simply what his claims, *i.e.*, factual allegations, are against each defendant, individually. Plaintiff must use separate numbered paragraphs for each of his claims. Each numbered paragraph should be limited to a single set of circumstances. Plaintiff is cautioned that the amended complaint will replace the original complaint, and claims not included in the amended complaint will be deemed abandoned. E.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation, 396 F.3d 922, 928 (8th Cir. 2005).

If plaintiff fails to submit an amended complaint that complies with the Rules, the Court may dismiss this action without prejudice. See Micklus v. Greer, 705 F.2d 314, 317 n. 3 (8th Cir. 1983).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff shall pay an initial partial filing fee to the Court of **\$8.09** within thirty (30) 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.

IT IS FURTHER ORDERED that the Clerk shall mail to plaintiff a Prisoner Civil Rights Complaint form.

IT IS FURTHER ORDERED that plaintiff shall submit an amended complaint within thirty (30) days of the date of this Order.

If plaintiff fails to comply with any portion of this Order, the Court may dismiss this action without prejudice.

Dated this 31st day of May, 2013.

/s/Shirley Padmore Mensah
SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE