

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

MARK R. PERRY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:13CV1883 RWS
	)	
T. CREWS, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on review of plaintiff’s pro se complaint. The complaint is defective because it has not been drafted on a Court-provided form, see Local Rule 2.06(A), and because plaintiff has neither paid the filing fee nor submitted a proper motion to proceed in forma pauperis.<sup>1</sup> See 28 U.S.C. § 1915(a).

Plaintiff has also submitted a premature motion for issuance of subpoenas which will be denied, without prejudice, as plaintiff has not yet even filed a proper complaint in this action and discovery has not yet been commenced.

Accordingly,

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<sup>1</sup>The Court notes that plaintiff has submitted an incomplete “Motion to Proceed in Forma Pauperis and Affidavit in Support – Habeas Cases.” The proper motion to be filed in a 42 U.S.C. § 1983 action is “Motion to Proceed in Forma Pauperis and Affidavit in Support – Prisoner Cases.”

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

**IT IS FURTHER ORDERED** that the Clerk shall mail to plaintiff a copy of the Court's form Motion to Proceed In Forma Pauperis – Prisoner Cases.

**IT IS FURTHER ORDERED** that plaintiff shall file an amended complaint on the Court-provided form within thirty (30) days of the date of this Order.

**IT IS HEREBY ORDERED** that plaintiff shall either pay the \$350 filing fee or submit a proper motion to proceed in forma pauperis within thirty (30) days of the date of this Order.

**IT IS FURTHER ORDERED** that if plaintiff fails to comply with this Order, the Court will dismiss this action without prejudice. If the case is dismissed, the dismissal will not constitute a “strike” under 28 U.S.C. § 1915(g).

**IT IS FURTHER ORDERED** that plaintiff's motion for issuance of subpoenas [Doc. #5] is **DENIED** without prejudice as prematurely filed.

Dated this 15th day of November, 2013.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE