

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

IRA B. HARRIS,)	
)	
Plaintiff,)	
)	
v.)	No. 4:13CV02148 ERW
)	
TROY STEELE,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court upon 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). Moreover, plaintiff has neither paid the filing fee nor submitted a motion to proceed in forma pauperis along with a prison account statement. See 28 U.S.C. § 1915(a).

Additionally, the Court notes that plaintiff seeks preliminary injunctive relief at this time. Preliminary injunctive relief is not warranted because plaintiff has failed to demonstrate a likelihood of success on the merits. See Dataphase Sys. V. CL Sys., 640 F.2d 109, 113-14 (8th Cir. 1981) (en banc). Plaintiff alleges that a correctional officer attempted to damage his marriage by telling his wife that he was a heroin addict and a liar. This does not state a plausible claim for relief. See Burton v. Livingston, 791 F.2d 97, 99 (8th Cir. 1986) (“mere words, without more, do not invade a federally

protected right.”). Similarly, plaintiff’s claim that a correctional officer took his newspapers away does not rise to the level of a constitutional violation.

Accordingly,

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. Plaintiff is advised that his amended complaint will take the place of his original complaint and will be the only pleading that this Court will review.

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

IT IS FURTHER ORDERED that if plaintiff submits a motion to proceed in forma pauperis, he must also submit a certified copy of his prison account statement for the six-month period immediately preceding the filing of his complaint.

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 for non-

compliance with this Order, the dismissal will not constitute a “strike” under 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that petitioner’s request for preliminary injunctive relief is **DENIED** without prejudice.

So Ordered this day 29th of October, 2013.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE