

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

ARIZONA HALL, )  
                    )  
Plaintiff,        )  
                    )  
v.                 )                  No. 4:13-CV-2436-CDP  
                    )  
LEONARD EDWARDS, )  
                    )  
Defendant.        )

**MEMORANDUM AND ORDER**

This matter is before the Court on review of plaintiff's pro se "Judicial Notice of Felony Crimes" and "Complaint," along with attached exhibits [Doc. #1]. The Court notes that the documents bear a cause number that appears to reference plaintiff's pending 28 U.S.C. § 2254 habeas corpus case in this Court, *see Hall v. Edwards*, No. 4:13-CV-556-SNLJ-TIA;<sup>1</sup> however, it also appears that plaintiff is attempting to bring a new civil action pursuant to 42 U.S.C. § 1983.

At this time, the Court will liberally construe plaintiff's documents as a new complaint. If this is incorrect, however, plaintiff may inform the Court that he did not intend to initiate a new action, or he may simply opt to not file an amended complaint,

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<sup>1</sup>The cause number on plaintiff's documents actually states "Cause No. 4:13-CV-0056 (SNLJ)(TIA)."

in which case this action will be dismissed, and the dismissal will *not* constitute a “strike” under 28 U.S.C. § 1915(g).

Assuming that plaintiff intended to file these documents as a new action, the Court finds that 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)*.

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk shall mail to plaintiff a copy of the Court’s form “Prisoner Civil Rights Complaint under 42 U.S.C. § 1983” and a copy of the Court’s form “Motion to Proceed In Forma Pauperis – Prisoner Cases.”

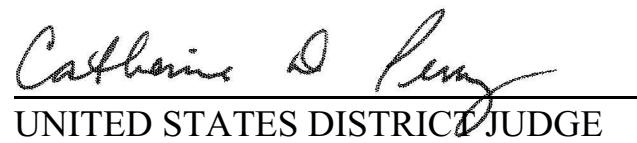
**IT IS FURTHER ORDERED** that plaintiff shall file an amended complaint on the Court-provided form within thirty (30) days of the date of this Order.

**IT IS HEREBY ORDERED** that plaintiff shall either pay the \$400 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, or if he advises the Court, in writing, that he did not intend to file these documents as a new action, then 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).

Dated this 6th day of December, 2013.



Catherine D. Leng  
UNITED STATES DISTRICT JUDGE