

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

EARL WILLIAMS and CAROL )  
WILLIAMS, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
BANK OF AMERICA, )  
 )  
Defendant, )

No. 4:14CV740 AGF

**MEMORANDUM AND ORDER**

This matter is before the Court on review of this newly-filed action. Plaintiffs were previously engaged in litigation against Bank of America in this Court. See Williams v. Bank of America, 4:12CV392 HEA (E.D. Mo.). Plaintiffs and defendants reached a settlement agreement, and Plaintiffs voluntarily dismissed the case pursuant to the agreement. After dismissal was entered, Plaintiffs moved to reopen the case on the basis that their understanding of the settlement agreement was different than it had been set forth in the Memorandum of Understanding. The Court held a hearing on the motion, and after the parties were heard it denied Plaintiff’s motion to reopen the case. Plaintiffs filed the instant documents on April 9, 2014, and upon reviewing the documents United States District Judge Henry E. Autrey directed the Clerk to file them as a new civil action. Therefore, the only method by which Plaintiffs can proceed with their allegations is to pursue the instant cause of action. If Plaintiffs do not consent to the filing of the instant pleadings as a new cause of action, the Court will dismiss these proceedings.

As a new civil action, the pleadings are defective for several reasons. First, there is no short and plain statement of the Court's jurisdiction, see Fed. R. Civ. P. 8(a)(1), no short and plain statement of the claim for relief, see Fed. R. Civ. P. 8(a)(2), and no demand for the relief sought, see Fed. R. Civ. P. 8(a)(3). Furthermore, the claims are not set forth in separately numbered paragraphs, each limited to a separate set of circumstances. See Fed. R. Civ. P. 10(b).

Finally, the pleading has not been drafted on a Court provided form, see Local Rule 2.06(A), and Plaintiffs have neither paid the filing fee nor submitted separate motions for leave to proceed in forma pauperis.

If Plaintiffs choose to proceed with this new civil action, they must cure the defects listed above no later than May 15, 2014. The Court will direct the Clerk to send Plaintiffs each of the relevant forms.

Accordingly,

**IT IS HEREBY ORDERED** that, no later than May 15, 2014, Plaintiffs shall notify the Court whether they consent to the filing of these pleadings as a new cause of action.

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

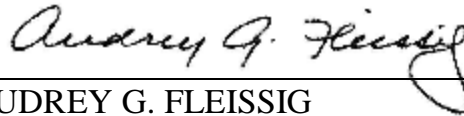
**IT IS FURTHER ORDERED** that the Clerk shall mail to Plaintiffs a copy of the Court's Motion to Proceed In Forma Pauperis B Non Prisoner along with a CJA 23 financial affidavit form.

**IT IS FURTHER ORDERED** that if Plaintiffs choose to proceed with this action, they must file an amended complaint on the Court-provided form no later than May 15, 2014. The amended complaint must comply with the Federal Rules of Civil Procedure.

**IT IS FURTHER ORDERED** that Plaintiffs shall either pay the \$400 filing fee or submit separate motions to proceed in forma pauperis no later than May 15, 2014.

**IT IS FURTHER ORDERED** that if Plaintiffs fail to comply with this Order, the Court may dismiss this action without further notice.

Dated this 16<sup>th</sup> day of April, 2014.



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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE