

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

KING SOLOMON BURROWS,)	
)	
Plaintiff,)	
)	
v.)	No. 4:14CV1453 CDP
)	
ST. CHARLES COUNTY JAIL, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of King Solomon Burrows, an inmate at St. Charles County Department of Corrections, for leave to commence this action without payment of the required filing fee [Doc. #2]. As plaintiff has failed to submit a certified copy of his inmate account statement, the Court cannot determine whether plaintiff has sufficient funds to pay the filing fee. See 28 U.S.C. § 1915(b)(1). As such, plaintiff will be required to submit his inmate account statement within thirty (30) days of the date of this Memorandum and Order or pay the full amount of the filing fee. Additionally, because plaintiff’s complaint is rambling and incoherent, the Court will order plaintiff to amend his complaint on a court-provided form.

The Complaint

Plaintiff brings this action under 42 U.S.C. § 1983 against St. Charles County Department of Corrections and Save-A-Lot Grocery store. His complaint is disjointed, rambling and incoherent, but it appears that he is complaining that he was poisoned with food purchased from Save-A-Lot, and that the poisoning was the cause for “delusional” behavior which caused his recent arrest. Plaintiff also appears to be asserting a loss of his property during his arrest or

incarceration at St. Charles County Department of Corrections, as in his request for relief, he seeks return of his property.

Discussion

Plaintiff's complaint is rambling and incoherent, and he has failed to submit a certified copy of his prison account statement such that his motion to proceed in forma pauperis can be reviewed by this Court. Plaintiff shall have thirty (30) days from the date of this Memorandum and Order to submit his certified account statement and file an amended complaint on a court-provided form.

The amended complaint must comply with Rules 8 and 10 of the Federal Rules of Civil Procedure. Rule 8(a) requires that a complaint contain a short and plain statement of the claim showing that the pleader is entitled to relief and a demand for the relief sought. And Rule 10(b) requires that a party must state its claims or defenses in separately numbered paragraphs, each limited as far as practicable to a single set of circumstances.

Specifically, in the "Caption" of the form complaint, plaintiff shall set forth the name of each defendant he wishes to sue; and in the "Statement of Claim," plaintiff shall start by writing or typing the first defendant's name, and under that name, he shall set forth in separate numbered paragraphs the allegations supporting his claim(s) as to that particular defendant, as well as the right(s) that he claims that particular defendant violated. If plaintiff is suing more than one defendant, he shall proceed in this manner with each of the named defendants, separately setting forth each individual name and under that name, in numbered paragraphs, the allegations specific to that particular defendant and the right(s) that he claims that particular defendant violated.

Plaintiff is warned that the filing of an amended complaint **completely replaces** the original complaint, and claims that are not re-alleged are deemed abandoned. See *In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005).

If plaintiff fails to file a certified copy of his prison account statement, as required by 28 U.S.C. § 1915(a), or fails to pay the full filing fee within thirty (30) days of the date of this Memorandum and Order, his complaint will be dismissed. Similarly, if plaintiff fails to file an amended complaint on a court-provided form within thirty (30) days, the Court will dismiss this action without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall submit a certified copy of his prison account statement or pay the full \$400 filing fee within thirty (30) days of the date of this Memorandum and Order. Plaintiff's failure to do so will result in a dismissal of this action, without prejudice.

IT IS FURTHER ORDERED that plaintiff shall submit an amended complaint on a court-provided form no later than thirty (30) days from the date of this Memorandum and Order.

IT IS FURTHER ORDERED that upon submission of the amended complaint, the Court shall review this action pursuant to 28 U.S.C. § 1915 for frivolousness, maliciousness and for failure to state a claim upon which relief may be granted.

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

Dated this 26th day of August, 2014.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE