

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

BENJAMIN WILLIAM WAGNER,)

Plaintiff,)

v.)

JAZEALL BROWN, et al.,)

Defendants,)

No. 4:15CV1277 JAR

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. On November 20, 2015, the Court received from plaintiff a complaint, a motion for leave to proceed in forma pauperis, a copy of his prison account statement, and a motion for appointment of counsel. The Clerk filed the documents in this case, and the Clerk terminated the action as to defendants Jazeall Brown and Janice Fairless.

On review of the case file, the Court finds that the Clerk was mistaken in doing so. The proposed complaint is not an amended complaint. Instead, it is a new complaint. As a result, the Court will direct the Clerk to file the November 20, 2015, documents as a new case, and the Court will further direct the Clerk to reinstate defendants Jazeall Brown and Janice Fairless.

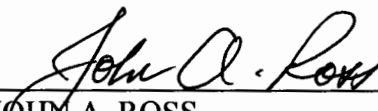
Accordingly,

IT IS HEREBY ORDERED that the Clerk is directed to **STRIKE** plaintiff's November 20, 2015, documents from this case and to **OPEN** a new case with the documents.

IT IS FURTHER ORDERED that the Clerk is directed to **REINSTATE** defendants Jazeall Brown and Janice Fairless.

IT IS FURTHER ORDERED that the Clerk is directed to notify defendants Jazeall Brown and Janice Fairless of the contents of this Order

Dated this 9th day of December 2015.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE