

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

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|-----------------------|---|----------------------|
| DOMINIQUE DARDEN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:17-CV-1383 JMB |
| |) | |
| JOHN O’BRIEN, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

Before the Court are a myriad of letters written to the Court by plaintiff Dominique Darden between the dates of May 8, 2017 and May 23, 2017. In his letters to the Court, plaintiff complains of numerous “fraudulent acts” he believes are being perpetrated against him by defendants, along with “invasion of his rights” and “continuing violations” occurring in his ongoing criminal action in this Court. *See United States v. Darden*, 4:17-CR-70 CDP (E.D.Mo.).

On May 2, 2017, the Court ordered plaintiff to place all of his claims against defendants in one centralized, prisoner complaint-form.¹ *See* Docket No. 3. Plaintiff was told that all claims should be included one that one form, and any prior pleadings or supplements that were not included on that form would be deemed abandoned and would not be considered.

The Court cannot allow piece-meal litigation. Plaintiff cannot continue to pursue separate claims against individual defendants in letters to this Court or through supplemental pleadings. He must file one centralized complaint on a court-provided form. The Court will

¹On that same date, plaintiff was also ordered to submit a motion to proceed in forma pauperis, or pay the filing fee in this matter. Plaintiff has failed to comply with this request. Plaintiff will be given an additional thirty (30) days to either pay the filing fee or file a motion to proceed in forma pauperis.

provide plaintiff an additional thirty (30) days to comply with the Court's request and will once again provide plaintiff with a court-form on which he should place his claims.

All of plaintiff's claims should be clearly set forth in the area of the court-form marked "Statement of Claim." If plaintiff needs more room to include his claims, he should attach additional sheets to his court-form. Plaintiff should state how each and every defendant is directly responsible for the alleged harm, and he should separate each defendant's purported acts from one another so that it will be easier for the Court to review.

If plaintiff wishes to sue defendants in their individual capacities, plaintiff must specifically say so in the amended complaint. If plaintiff fails to sue defendants in their individual capacities, this action may be subject to dismissal.

Plaintiff is once again warned that the filing of an amended complaint replaces the original complaint and all previously-filed pleadings and supplements and any correspondence in this case. *See, e.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). If plaintiff fails to file an amended complaint on the Court form within thirty (30) days and in compliance with the Court's instructions, the Court will dismiss this action without prejudice and without further notice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk is directed to mail to plaintiff a copy of the Court's Prisoner Civil Rights Complaint Form.

IT IS FURTHER ORDERED that the plaintiff must file an amended complaint on the Court's form within thirty (30) days of the date of this Order.

IT IS FURTHER ORDERED that the plaintiff must 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 files a motion to proceed in forma pauperis, he must also file a certified copy of his prison account statement for the six-month period preceding the filing of the 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** count as a “strike” under 28 U.S.C. § 1915(g).

Dated this 24th day of May, 2017.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE